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October 31, 2015

Re: Over 85 new Support Letters for DotMusic's .MUSIC Community-Based Application (Application ID 1-1115-14110)

Dear ICANN and Economist Intelligence Unit ("EIU"),

Please accept the attached, over 85 new Letters of Support for DotMusic Limited and its .MUSIC mult-stakeholder, community-based application with ID 1-1115-14110.

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

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

Respectfully Submitted,

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

² See <http://newgtlds.icann.org/en/applicants/cpe/faqs-10sep14-en.pdf>, Pg. 5

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Newman', written in a cursive style.

Signature: tweeduk@hotmail.com, Sep 9 '15 ip: 212.58.56.75

Name: **Mark Newman**

Title: **Mr**

Organization*: **Mark Newman**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



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

Name: Robin Tennille

Title: Co-owner/Chief Operations Officer

Organization*: FOCUSS Entertainment

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



Signature: countryboy-1970@hotmail.com, Sep 9 '15 ip: 70.197.9.194

Name: **Cory N Childers**

Title: **Cory N Childers**

Organization*: **BMI**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

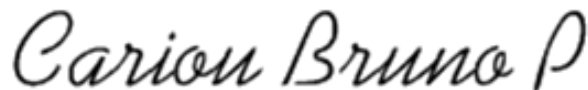
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



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

Name: **CARIOU**

Title: **CEO**

Organization*: **NEOMME**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



Signature: waterearth@torchlake.com, Sep 9 '15 ip: 216.245.230.71

Name: Dwain Martin

Title: Songwriter

Organization*: 45 North / The Librarians

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



Signature: skinneemonkey@gmail.com, Sep 9 '15 ip: 108.84.185.77

Name: **Maria gonzales**

Title: **Co-Managing Partner**

Organization*: **Yardnoise**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

A handwritten signature in black ink that reads "Sean Harley". The script is cursive and fluid.

Signature: zahumi@gmail.com, Sep 9 '15 ip: 184.149.24.61

Name: **Sean Harley**

Title: **Artist**

Organization*: **Trench Town Oddities**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

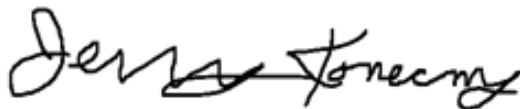
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



Signature: bakkus2002@hotmail.com, Sep 9 '15 ip: 66.232.234.53

Name: **Jerry Konecny**

Title: **songwriter/guitarist/singer**

Organization*: **Bakkus**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

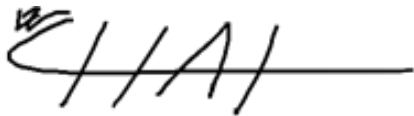
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CLCHAT', written over a horizontal line.

Signature: clechat@bigburrito.com, Sep 9 '15 ip: 71.245.184.43

Name: **Corey LeChat**

Title: **Cultural Engineer**

Organization*: **Corey LeChat/The Gothees**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



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

Name: **Bob Crawford**

Title: **President**

Organization*: **RMCO MUSIC**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



Signature: danjshaw@hotmail.co.uk, Sep 9 '15 ip: 212.219.116.29

Name: Daniel Shaw

Title: Mr

Organization*: Minor Works Unit

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



Signature: andymacmusic@gmail.com, Sep 9 '15 ip: 158.222.229.217

Name: **Andrew McNamara**

Title: **Owner**

Organization*: **Stay Clean Music**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

A handwritten signature in black ink that reads "Douglas Tomooka". The script is cursive and fluid.

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

Name: Douglas Tomooka

Title: Artist

Organization*: Saiku Sapien

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

A handwritten signature in black ink that reads "Acquanetta Moore". The signature is written in a cursive, flowing style.

Signature: mo_incredible@yahoo.com, Sep 9 '15 ip: 68.95.162.32

Name: **Acquanetta Moore**

Title: **Guitarist**

Organization*: **QG Moore**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

A handwritten signature in black ink that reads "Mike Seguin". The signature is written in a cursive, slightly slanted style.

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

Name: **Michael T. Seguin**

Title: **Lead Vocalist, Guitarist, Songwriter**

Organization*: **Heavy America**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

Maria E. Rivera Laborde

maria_cay@yahoo.com, Sep 9 '15 ip: 173.228.247.168

Signature:

Name: **Maria E. Rivera Laborde**

Title: **Social Media**

Organization*: **Atabal**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

Benoit Mailloux-Pilon

bmpdesign@yahoo.com, Sep 9 '15 ip: 96.37.221.218

Signature:

Name: **Benoit Mailloux-Pilon**

Title: **Mr.**

Organization*: **BMP Design**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

Raphael Slagg / Randy J. Bimslager

blindfret@gmail.com, Sep 9 '15 ip: 72.161.71.57

Signature:

Name: Raphael Slagg / Randy J. Bimslager

Title: Owner Blind Fret / Blind Fret Studios

Organization*: Blind Fret

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,



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

Name: **Peter Xifaras**

Title: **Artist**

Organization*: **Symphonex Orchestra**

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

A handwritten signature in black ink that reads "David Churchill". The signature is written in a cursive, slightly slanted style.

Signature: dchurchill_98@yahoo.com, Sep 9 '15 ip: 74.93.229.129

Name: david churchill

Title: musician

Organization*: me

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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

Respectfully submitted,

By: Neil J. Cacciottolo, Mus.Esq.

neilcacci@gmail.com, Sep 9 '15 ip: 104.10.162.201

Signature:

Name: Neil J. Cacciottolo, Mus.Esq.

Title: Licensed Producer / Legal Consultant.

Organization*: Sunset Publishing Nashville, LLC. and Sunset Records America.

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

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

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

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

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

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

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

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

⁴ <http://music.us/expert/letters>

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

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

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

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

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

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

⁸ <http://music.us/events>

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

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

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

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

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

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

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

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

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

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

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

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

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

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

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

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

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

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

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

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

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

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

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

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

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

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

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

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

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

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

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

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: timkorry@gmail.com, Sep 9 '15 ip: 198.177.95.129

Name: **Tim Korry**

Title: **Artist**

Organization*: **www.timkorry.com**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "DJ Warner". The letters are cursive and fluid, with a prominent "D" and "J" at the beginning.

Signature: warnersongs@gmail.com, Sep 9 '15 ip: 50.124.208.35

Name: DJ Warner

Title: musician

Organization*: Warnersongs Music

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

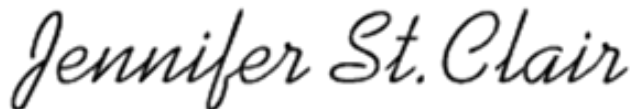
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: jennstc@jenniferstclair.com, Sep 9 '15 ip: 69.180.91.222

Name: **Jennifer St. Clair**

Title: **CEO**

Organization*: **ST CLAIR ENTERTAINMENT INC**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

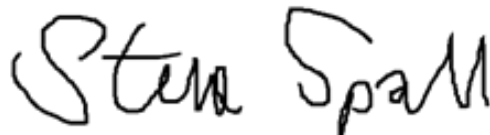
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Spall". The letters are cursive and somewhat slanted to the right.

Signature: steve@thevioletjive.co.uk, Sep 9 '15 ip: 86.150.67.61

Name: **Steve Spall**

Title: **Mr**

Organization*: **The Violet Jive**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Erric Walker

Signature: lewalk00@gmail.com, Sep 9 '15 ip: 63.193.176.3

Name: **Erric Walker**

Title: **Founder**

Organization*: **Invisible Panthers**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: james@countdownentertainment.com, Sep 9 '15 ip: 68.174.105.229

Name: **James Citkovic**

Title: **Founder & President**

Organization*: **COUNTDOWN ENTERTAINMENT**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: jonus.wade@gmail.com, Sep 9 '15 ip: 104.35.107.161

Name: Jonus Wade

Title: Vice President

Organization*: Ritmeck

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: nakhuy@sbcglobal.net, Sep 9 '15 ip: 50.153.159.61

Name: Parry Abbott

Title: Musician

Organization*: Parry Abbott

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

jennings granville morgan

wjgm101@yahoo.com, Sep 9 '15 ip: 189.223.196.2

Signature:

Name: jennings granville morgan

Title: songwriter / performer

Organization*: wailinasmash

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: t0hierry@gmail.com, Sep 9 '15 ip: 82.67.68.208

Name: `thierry kauffmann`

Title: `artist`

Organization*: `thierry kauffmann`

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

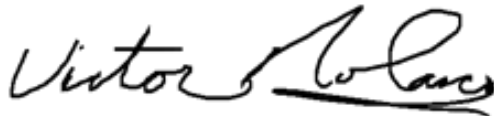
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: ptsteno@sbcglobal.net, Sep 9 '15 ip: 107.139.34.90

Name: **Victor Nolasco**

Title: **Business Owner**

Organization*: **Sol**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. Reverbnation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "Dave Tamkin". The signature is written in a cursive, slightly slanted style.

Signature: dave@davetamkin.com, Sep 9 '15 ip: 8.39.228.5

Name: Dave Tamkin

Title: Singer Songwriter

Organization*: Head Above Music / Dave Tamkin

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: jford15@aol.com, Sep 9 '15 ip: 146.199.91.187

Name: **Gail Ford**

Title: **Mrs**

Organization*: **Gail Ford**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Terence O'Flaherty', with a long horizontal flourish extending to the right.

Signature: terence.oflaherty@virgin.net, Sep 9 '15 ip: 92.24.89.151

Name: **Terence O'FLaherty**

Title: **Mr**

Organization*: **Artist**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in cursive script that reads "scott williamson".

Signature: songo30@hotmail.com, Sep 9 '15 ip: 174.5.181.195

Name: **scott williamson**

Title: **concerned musician**

Organization*: **independent musician**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "PETER Kim-Fredell". The signature is written in a cursive, slightly slanted style.

Signature: ufp@frontier.com, Sep 9 '15 ip: 74.42.38.10

Name: **PETER KIM-FREDELL**

Title: **OWNER**

Organization*: **UNIFIED FIELD PRODUCTIONS**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: jgaramella@gmail.com, Sep 9 '15 ip: 98.14.98.216

Name: **Jaime Garamella**

Title: **Singer/Songwriter**

Organization*: **The Spanish Channel / Jaime Garamella**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "Lynn Julian". The script is cursive and fluid.

Signature: julian@lynnjulian.com, Sep 8 '15 ip: 216.15.126.202

Name: Lynn Julian

Title: Owner

Organization*: Lynn Julian aka Cookie Cutter Girl, Pop Superhero

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: nuavatamusic@gmail.com, Sep 9 '15 ip: 74.243.194.163

Name: **Charles Z.**

Title: **Artist**

Organization*: **Fidelity Music Entertainment**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "David A Vance". The script is cursive and fluid.

Signature: dave@mlrkrmedia.com, Sep 9 '15 ip: 71.55.186.139

Name: David A Vance

Title: Owner

Organization*: David Vance Music

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

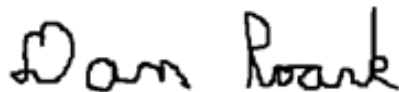
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: droark5801@aol.com, Sep 9 '15 ip: 99.8.76.141

Name: Dan Roark

Title: Owner

Organization*: Chasing After Wind Productions/Artist

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: info@uturn.us, Sep 9 '15 ip: 192.31.106.34

Name: Daniel R. Waller

Title: musician, songwriter

Organization*: UTURN

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

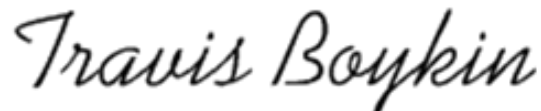
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: bullethead.music@gmail.com, Sep 9 '15 ip: 107.77.168.34

Name: **Travis Boykin**

Title: **Producer**

Organization*: **BULLETHEAD BEATZ**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Sharon Benson

Signature: sbenson2@socal.rrr.com, Sep 9 '15 ip: 76.169.96.23

Name: **Sharon Benson**

Title: **Owner/Partner**

Organization*: **Biheart Entertainment Group - Band: SOUL DOGS**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Norman E. Morris

Signature: hithay7@hotmail.com, Sep 10 '15 ip: 94.249.116.11

Name: **Norman E. Morris**

Title: **Musician and owner of Yonah Music**

Organization*: **Yonah Music**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Nathan Daniel Limbaugh

nathanlimbaugh@hotmail.com, Sep 10 '15 ip: 75.110.236.40

Signature:

Name: **Nathan Daniel Limbaugh**

Title: **Mr.**

Organization*: **Cry Me A River Publishing**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: justinbrauer@gmail.com, Sep 10 '15 ip: 128.174.158.218

Name: Justin M Brauer

Title: Musician

Organization*: N/A

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

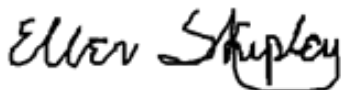
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: ellenshipley@mac.com, Sep 10 '15 ip: 173.55.143.120

Name: **Ellen Shipley**

Title: **singer/songwriter**

Organization*: **Ellen Shipley**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Pablo Orozco-Castro

Signature:

muzikgenesis@gmail.com, Sep 10 '15 ip: 108.67.152.116

Name: **Pablo Orozco-Castro**

Title: **CEO**

Organization*: **Outrospection Productions**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: e1nino41475@yahoo.com, Sep 10 '15 ip: 70.191.204.49

Name: **Eldric T Coonors**

Title: **Owner**

Organization*: **414 Creative Entertainment Group**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Bernie Sirelson

Signature: music@transclassical.com, Sep 9 '15 ip: 107.214.30.165

Name: **Bernie Sirelson**

Title: **Composer, Educator**

Organization*: **Transclassical**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

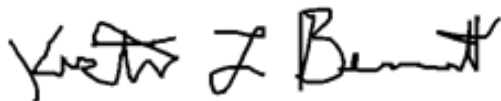
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: mermaidangel2@gmail.com, Sep 10 '15 ip: 98.207.250.146

Name: Kristina L. Bennett

Title: Ms.

Organization*: Kristina Bennett

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: nightbloommusic@gmail.com, Sep 8 '15 ip: 72.234.237.56

Name: **MarleneJones-Skurtu**

Title: **Songwriter, Producer**

Organization*: **Nightbloom Music**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dodd Lede', with a stylized flourish at the end.

Signature: d_lede@yahoo.com, Sep 11 '15 ip: 70.139.198.100

Name: **Dodd Lede**

Title: **CEO**

Organization*: **Sonic Smack Records**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: gkassahn@hotmail.com, Sep 12 '15 ip: 174.23.15.49

Name: **Glenn Kassahn**

Title: **Drummer**

Organization*: **Metal Tears**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: 4kipre@gmail.com, Sep 8 '15 ip: 50.181.9.58

Name: **whu**

Title: **Artist**

Organization*: **ki-pre**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: danielccouper@gmail.com, Sep 15 '15 ip: 75.130.125.2

Name: **daniel couper**

Title: **singer-songwriter**

Organization*: **daniel couper**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "Richard Karlsson". The script is cursive and fluid.

Signature: ricmail@hotmail.com, Sep 15 '15 ip: 178.78.241.198

Name: **Richard Karlsson**

Title: **Artist**

Organization*: **Slack Orange**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: westontobias@gmail.com, Sep 14 '15 ip: 66.188.244.52

Name: **Weston Tobias**

Title: **Musician**

Organization*: **Weston Tobias**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: rushton.amanda@gmail.com, Sep 16 '15 ip: 174.6.114.144

Name: **Amanda Rushton**

Title: **Creator/Connector/Performer**

Organization*: **Mandy Rushton**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: reyholliday@gmail.com, Sep 12 '15 ip: 24.21.53.12

Name: Rey Holliday

Title: Producer

Organization*: SWGP

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: cj@cjborden.com, Sep 18 '15 ip: 68.104.7.189

Name: **CJ Borden**

Title: **songwriter**

Organization*: **Mesa Sand Music**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: payliffe@austin.rr.com, Sep 18 '15 ip: 70.113.3.99

Name: Phillip Ayliffe

Title: President

Organization*: Songwriters Network

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: robertgoldsmith@gmail.com, Sep 20 '15 ip: 24.9.28.81

Name: Robert Goldsmith

Title: Executive

Organization*: Singularity, LLC

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: hector@hector-garcia.com, Sep 25 '15 ip: 162.204.5.209

Name: **Hector Garcia**

Title: **Owner**

Organization*: **HG Engineering**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: oz-wave@mindspring.com, Sep 29 '15 ip: 72.179.166.51

Name: **Scott Ozga**

Title: **Mr.**

Organization*: **OZGA**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: jlovell1101@gmail.com, Sep 30 '15 ip: 24.241.130.247

Name: **Jacob Andrew Lovell**

Title: **Mr.**

Organization*: **World Records®**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: admin@iambaxter.com, Sep 30 '15 ip: 66.87.135.205

Name: **Baxter**

Title: **Performing Artist**

Organization*: **Baxter Entertainment Productions, LLC.**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

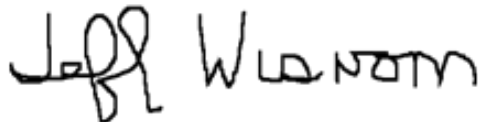
⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "Jeff Wisnom". The signature is written in a cursive, slightly slanted style.

Signature: wisnomj@yahoo.com, Oct 3 '15 ip: 87.66.230.97

Name: Jeff Wisnom

Title: Indie musician

Organization*: Just-jeff

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Mikey Cunningham

Signature: mikey@mikeycunningham.com, Oct 5 '15 ip: 76.127.60.244

Name: **Mikey Cunningham**

Title: **Head Nomad**

Organization*: **Nomad Vibe**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)


⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: cav_lier@hotmail.com, Oct 5 '15 ip: 207.144.194.118

Name: Joshua Hunt

Title: Musician

Organization*: Cav'lier of Hunted Down Music Group

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: ancienz@gmail.com, Oct 5 '15 ip: 71.125.251.48

Name: Omar Boothman

Title: Business Owner

Organization*: Akashik Records, LLC

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: michaelmaidwell@yahoo.com, Oct 7 '15 ip: 94.209.47.152

Name: **Michael Maidwell**

Title: **manager**

Organization*: **Orange Grove**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: rin.zagirov@yandex.ru, Oct 13 '15 ip: 188.186.118.69

Name: Rinat

Title: Link to social - "http://vk.com/idmania"

Organization*: Publick "MANIA" - "http://vk.com/mania_music"

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: box68pt@outlook.com, Oct 14 '15 ip: 99.153.246.125

Name: **Patrick Tyson**

Title: **Artist**

Organization*: **Tyson Jarrett**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

A handwritten signature in black ink that reads "Tegan DeClark". The signature is written in a cursive, flowing style.

Signature: tldeclark@gmail.com, Oct 15 '15 ip: 1.128.97.9

Name: **Tegan DeClark**

Title: **NA**

Organization*: **NA**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: vick@basca.org.uk, Oct 15 '15 ip: 93.186.154.21

Name: **V Bain**

Title: **CEO**

Organization*: **BASCA**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: denis@denisloiseau.com, Oct 16 '15 ip: 73.222.162.248

Name: Denis Loiseau

Title: Songwriter

Organization*: Denis Loiseau

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Signature: ibryanpaz@gmail.com, Oct 18 '15 ip: 181.174.106.240

Name: **Bryan**

Title: **Bramusic**

Organization*: **Bramusic**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: music@melissaaxel.com, Oct 20 '15 ip: 172.248.37.19

Name: **Melissa Axel**

Title: **songwriter/recording artist**

Organization*: **Melissa Axel**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: kosaf02250@yahoo.co.uk, Oct 22 '15 ip: 90.214.182.166

Name: **Kofi C Osafo**

Title: **Author and Owner**

Organization*: **Edifying Songs Series**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: chris@bonepoets.com, Oct 22 '15 ip: 50.34.99.154

Name: Christopher Bigham

Title: Owner

Organization*: Bone Poets Orchestra

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,

Brett Wm. Templeton

brett@steelbaroque.com, Oct 20 '15 ip: 65.33.248.0

Signature:

Name: Brett Wm. Templeton

Title: Pianist

Organization*: Brett Wm. Templeton

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbNation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: zzpoik@gmail.com, Oct 18 '15 ip: 118.107.143.74

Name: **Zheng Zhipeng**

Title: **timecho**

Organization*: **utc6**

* If you are an artist/band enter your artist/band name

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
Cyrus Namazi, ICANN Vice-President of DNS Engagement;
John Jeffrey, ICANN General Counsel; and
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Support for .MUSIC Community-based Application¹ with Enhanced Safeguards

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. DotMusic has incorporated public interest commitments² and enhanced safeguards that will ensure that the operation of the .MUSIC top-level domain is responsible, trusted and safe under a community-based, multi-stakeholder governance model. Such music-tailored safeguards are prudent and well-intentioned because the global music Community operates in a sensitive, regulated sector that would benefit from such music-tailored protections. ICANN, the Government Advisory Committee (GAC),³ over 40 experts,⁴ and the general public⁵ recognize and are aware of the existence an organized and delineated music “(industry) community”⁶ that functions in a regulated music sector. Furthermore, DotMusic’s community application serves a higher purpose and has more music-tailored policies than all competitors combined.⁷

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited Application ID 1-1115-14110

² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

³ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴ <http://music.us/expert/letters>

⁵ Over 95% of public comments do not doubt the existence of the defined music (industry) community and Support DotMusic’s community application (See ICANN New gTLD Public Comments at <https://gtldcomment.icann.org/applicationcomment/viewcomments>). DotMusic has also provided an independent Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people) and matches the community defined by DotMusic. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.” (See Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, August 7-11, 2015, Pg. 1,2,3)

⁶ Based on the EIU’s rationale in the CPE Determinations for .RADIO, .HOTEL and .SPA, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE Determinations for .RADIO, .HOTEL and .SPA (See <http://newgtlds.icann.org/en/applicants/cpe#invitations>), DotMusic is supported by a global “(industry) community,” with members that have the requisite awareness and recognition of the community defined.

⁷ See .MUSIC applicant comparison chart, <http://music.us/comparison>

The DotMusic community-based application has been the subject of what is by far the longest public comment period in ICANN history. The DotMusic application has been open for public comment since 2012, i.e. for nearly 3 and half years. Reasonably, one would expect that any truly concerned organization or entity would have voiced their opinions years ago when the application was first published, especially taking into context DotMusic’s extensive public outreach (most likely the most extensive of any gTLD applicant) as well as DotMusic’s strong and vocal presence at ICANN meetings and other related-events.⁸ This would have represented a “good faith” concern because community applicants could have undertaken to deliberate with the concerned party to establish whether to make changes in their applications to accommodate that party if the broader community agreed through an application change request process.

As such, letters of opposition received at the eleventh hour should be considered in this context. By any measure, more than enough time has passed for legitimate concerns to be raised by any party. It is also disingenuous that in the eleventh hour before the DotMusic community application’s CPE that some negligible individuals and groups (including entities without an explicit association with music) have opposed DotMusic’s multi-stakeholder “community” model and shunned the existence of the music community.⁹

To deny that the Community exists or participates in a shared system of creation, distribution and promotion of music with common norms and communal behavior (i.e. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music) is akin to denying the existence of music altogether. Furthermore, the Community shares a legal framework governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments,¹⁰ which includes shared rules and communal regulations.¹¹

⁸ <http://music.us/events>

⁹ E.g. .MUSIC competitor Rightside (a Donuts partner under Covered TLD, LLC) stated that it is “preposterous that there exists a “music community”” (See <https://icann.org/en/system/files/correspondence/hammock-to-crocker-et-al-12aug15-en.pdf>). In marketing material promoting .BAND (which was delegated to Covered TLD), Rightside acknowledged the existence of “music communities” (<http://branding.rightside.co/api/download/28qb-dj9ehrud>, Pg.2), which is consistent with DotMusic’s “Music Community” definition of a “logical alliance of communities related to music.” Furthermore, another Marketing Kit referred to the “music sector,” sorting it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to many music community organizations that have supported DotMusic e.g. BMI, ASCAP, ReverbNation and others (Pg. 1, 2, 3, 9, and 10). The Kit also quotes the IFPI, an organization *mainly* dedicated to the music community that supported DotMusic, acknowledging the existence of an organized “music industry”...“a massive engine worth more than US\$130 billion globally” (Pg.3). (See .BAND Marketing Kit, <http://branding.rightside.co/api/download/28qj-3k4nlku8>)

¹⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

¹¹ The Berne Convention for the Protection of Literary and Artistic Works, usually known as the Berne Convention, is an international agreement governing copyright, which was first accepted in Berne, Switzerland, in 1886 – See http://www.wipo.int/treaties/en/text.jsp?file_id=283698

DotMusic has is the support of a majority of the Community as defined. DotMusic’s Community definition represents the cohesive music (industry) Community that matches the applied-for string:¹² a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.”¹³ (I.e. all music-related entities with legitimate interests to music and an awareness of the Community can access .MUSIC domains). Per its Mission, DotMusic follows “a multi-stakeholder approach of fair representation of all types of global music constituents” and has already set up an expanding Board to represent such interests.¹⁴

In addition, further evidence that the cohesive “(industry) community” defined by DotMusic is clearly globally-recognized, delineated and organized is the existence of numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are (and which songs they are associated with), so that Community members are appropriately compensated or attributed, regardless whether the constituent is a commercial, non-commercial or amateur. Such global music classification systems include the ISMN,¹⁵ ISRC,¹⁶ ISWC¹⁷ and the ISNI.¹⁸

DotMusic is the only .MUSIC applicant that has followed unified principles, ideals and mission that the Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination.¹⁹ DotMusic developed its Mission and

¹² A cohesive music community definition (i.e. an “(industry) community”) is a requirement by ICANN and the EIU to pass Community Priority Evaluation (See .RADIO, .SPA and .HOTEL CPE determinations by EIU, <https://newgtlds.icann.org/en/applicants/cpe>)

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

¹⁴ <http://music.us/board>

¹⁵ The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See <http://www.ismn-international.org/whatis.html> and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

¹⁶ The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

¹⁷ The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See <http://www.iswc.org/en/faq.html> and http://www.iso.org/iso/catalogue_detail?csnumber=28780

¹⁸ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

¹⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach launched in 2008.²⁰

The GNSO Final Report,²¹ which provided the basic guidelines for the new gTLD application process and the AGB states that: “where an applicant lays any claim that the TLD is intended to support a particular community...that claim will be taken on trust (CV 7-10).” DotMusic’s demonstrable and unprecedented support, community definition and music-tailored policies (that were developed over years of open and public outreach and consultation with the community), clearly validates such trust.

DotMusic’s community definition to include all Community members without discrimination affirms that the community was not construed, consistent with the community guidelines set forth by the GNSO Final report which stated that “community should be interpreted broadly and will include, for example, an economic sector, a cultural community, or a linguistic community.” Furthermore, the GNSO Final Report states that “Opposition must be objection based. Determination will be made by a dispute resolution panel constituted for the purpose. The task of the panel is the determination of substantial opposition. The objector must provide verifiable evidence that it is an established institution of the community...The panel will assess the balance between the level of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institutions. The panel will assess significance proportionate to the explicit or implicit targeting.” DotMusic’s application has not had any Community Objection filed against it with the ICC. As such, any non-formal opposition filed without a dispute resolution panel should be considered irrelevant and spurious. In proportion, the last-minute opposition filed for the purpose of obstruction is irrelevant, especially when compared with the unprecedented level of support of DotMusic’s application by an overwhelming Community majority.

Respecting and protecting music rights serves both the global music community and the public interest. This Letter supports the position of the International Federation of the Phonographic Industry,²² which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”²³ This letter also supports the positions expressed in the letter²⁴ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter²⁵ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the [DotMusic] “community” application for .MUSIC and that “we expect...the community application process...to have meaning and for the community

²⁰ <http://music.us/events>

²¹ GNSO Final Report, Introduction of New Generic Top-Level Domains, 8 August 2007
<http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

²² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

²³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

²⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

²⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind " and for ICANN "to expeditiously implement appropriate changes to address [concerns]." This letter also supports the positions in the letter²⁶ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their "support [for] the [DotMusic] .MUSIC community application because respecting and protecting music rights serves the global music community and the public interest." This letter also supports the position of the International Federation of Arts Councils and Culture Agencies²⁷ and DotMusic's CPE Analysis.²⁸

This letter also would like to note that the New gTLD Program has not been cost-effective to the music community. The Trademark Clearinghouse and many other priority-based processes (e.g. Domains Protected Marks Lists and the Dutch-auction Early Access Programs) have come at a great expense and have favored deep-pocketed registrants. Under the same token, most registries reserved premium domains to be sold at a significantly high cost.²⁹ An overwhelming majority of music constituents have not participated in such allocation mechanisms because of such high costs.

As such, we support the DotMusic application's cost-effective and music-tailored domain name allocation policies and phases. These include a music-tailored Globally Protected Marks List (GPML) aimed to protect the names of famous music brands or artists from cybersquatting, and a priority phase for members of recognized Music Community Member Organizations (MCMOs) aimed to keep costs low, prevent cybersquatting (of Community members' names) and spur adoption. Such a priority phase does not give any special privileges over community members that do not belong to MCMO's because DotMusic's naming condition policy mandates that registrants only register their names (i.e. they cannot register another Community member's name regardless of whether they belong to an MCMO or not). Furthermore, all legitimate music-related Community members have access to .MUSIC domains during the subsequent Landrush and General Availability phases. If any Community member wants to participate in the MCMO stage they could also join many MCMOs that offer free memberships at zero cost (e.g. ReverbNation³⁰), which ensures a fair and competitive allocation process. Eligible music communities could also apply to become MCMOs.³¹ As such, social benefits overwhelmingly exceed social costs.

We also strongly support DotMusic's policy that restricts .MUSIC registration to legitimate community members (i.e. peripheral entities without an awareness or recognition of the music community are not eligible). Such a prudent policy ensures that .MUSIC domains are highly relevant to legal, music-related

²⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

²⁷ <https://www.icann.org/en/system/files/correspondence/gardner-to-crocker-et-al-26aug15-en.pdf>

²⁸ <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-2-redacted-12aug15-en.pdf>

²⁹ Alternatively, we support DotMusic's premium domain plan to organize and sort .MUSIC registrants according to community member delineation (e.g. label.music or rock.music). Instead of allocating these premium domains to the highest bidders, they will be shared by .MUSIC registrants in a meaningful, organized manner.

³⁰ <https://www.reverbnation.com>

³¹ <http://music.us/mcmo>

content and use. Such relevancy and quality control helps increase search engine ranking and provide quality control for Internet user. It also deters bad actors from registering .MUSIC domains. Community-based, music-tailored restrictions ensure that social benefits exceed social costs (i.e. serve the global public interest) and help drive innovation by creating a trusted ecosystem of legal music consumption where monies flow to the music community and not to illegitimate parties or unlicensed websites.

Please accept this Letter of Support for DotMusic Limited's .MUSIC community-based application because DotMusic:

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;³²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.³³ This outreach gave the Community all-encompassing, open opportunities to engage with DotMusic to address any concerns (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events and still continues to engage Community members;
3. is supported by an "(industry) community" with members that have the requisite awareness and recognition of the community defined. The cohesive global music community defined constitutes a clear "(industry) community" supported by relevant organizations with members representing over 95% of music consumed globally (i.e. a majority), including many entities *mainly* dedicated to the Community, such as the IFPI, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM and others.³⁴ As such, DotMusic's community application should overwhelmingly exceed the minimum "(industry) community" threshold for the applied for string given the EIU's consistent rationale with respect to the prevailing "(industry) community" CPE determinations for .HOTEL, .RADIO and .SPA.

³² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

³³ <http://music.us/events>

³⁴ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.³⁵ It is in the public interest that the Panel protects the legitimate interests of the global Music Community by invalidating last-minute spurious letters of opposition and clearly understands the objectives of such letters intended to unfairly disqualify this worthy, meaningful and well-intentioned community-based application supported by the majority of the Community;³⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community. DotMusic has more music-tailored policies than all other .MUSIC applicants combined;³⁷
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”³⁸
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,³⁹ comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music. As such, the cohesive “(industry) community” defined is clearly globally-recognized, delineated and organized because it operates in a regulated sector which uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “MUSIC” string is commonly used in classification systems such as ISMN, ISRC, ISWC and ISNI⁴⁰). As such, the string is aligned with DotMusic’s

³⁵ DotMusic has followed a consensus-driven, bottom-up methodology to build its Policies and Mission via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008. Also, the public comment window has been open since 13 June 2012 for over 3 years. As such, last-minute opposition letters should be viewed as filed for the purpose of obstruction because any relevant organization had years and countless outreach opportunities to publicly voice legitimate concerns to DotMusic. Also any opposition from a negligible entity that is not relevant to the string is considered irrelevant.

³⁶ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

³⁷ <http://music.us/comparison.pdf>

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁹ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

⁴⁰ The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public

- Community definition (“a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”), which is also consistent with Expert opinion.⁴¹ Furthermore, its Nexus matches the string because it represents the Community, allowing all constituents to register a .MUSIC domain without conflict of interests, over-reaching or discrimination. DotMusic’s application clarifies that it does not unfairly prevent access to domain names to those with legitimate musical interests that have the requisite awareness of the community addressed;
8. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁴² that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for *Community Establishment, Nexus and Support*, agreeing that the defined community is accurate and matches the applied-for string;⁴³
 9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people⁴⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”⁴⁵ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”⁴⁶) matches with the string;
 10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;⁴⁷
 11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness

records of over 8 million identities and 490,000 organizations. See <http://www.isni.org/> and http://www.iso.org/iso/catalogue_detail?csnumber=44292

⁴¹ <http://music.us/expert/letters>

⁴² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

⁴³ <http://music.us/expert/letters>

⁴⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁴⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>
Fielding Period: August 7-11, 2015, Pg. 1,2,3

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

⁴⁷ <http://music.us/board/>

- of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase⁴⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;⁴⁹
12. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);⁵⁰
 13. has partnered with Afilias,⁵¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined.
 14. will provide innovative services, including (i) providing increased Community member exposure through Premium Channels sorted based on delineated constituent type, and (ii) building a comprehensive global song registry; and
 15. is accountable to the global Music Community through its Public Interest Commitments⁵² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

⁴⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

⁴⁹ DotMusic's GPML is a significantly more cost-effective alternative for famous music brands than submitting to the Trade Mark Clearing House. The GPML is also more cost-effective than other initiatives by competitors such as the Donuts' DPML, which charges nearly \$3,000 every 5 years (<http://www.worldipreview.com/article/a-sweet-solution-donuts-and-trademarks>). DotMusic's GPML is music-tailored and does not have such costs.

⁵⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁵¹ <http://www.afilias.info/about-us>

⁵² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

This letter of support urges ICANN and the EIU to pass DotMusic's application in CPE because it exceeds the criteria required to pass. DotMusic's application responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests. Any decision other than prevailing CPE would not serve the interests of the Community. DotMusic's community application has been supported by the largest music coalition ever assembled to support a music cause and that alone speaks volumes. To deny such a milestone would be a catastrophic failure for the New gTLD Program.

The New gTLD Program's objective was to prevent false positives and give preferential treatment to authentic community applications (such as DotMusic's) with demonstrable support and community-tailored policies. Thus far, there has not been any community, music-themed TLDs launched in the new gTLD Program. Furthermore, many music-themed gTLDs have been launched but none have been widely adopted by the Community. This is largely because they lack appropriate music-tailored policies, have no meaningful differentiation and do not incorporate a multi-stakeholder community governance structure to instill Community trust and accountability. ICANN and the EIU should be aware that the Internet will likely not have a music-themed, community-based gTLD presence if DotMusic does not prevail CPE because auctions favor .MUSIC applicants with the deepest pockets whose applications do not serve the Community's interests, such as Google, Amazon and other publicly-traded entities. This is the New gTLD Program's last opportunity to have a community-based, music-themed gTLD. A positive CPE result will serve the global public interest because it will increase diversity and innovation in the namespace, as well as ensure that freedom of expression truly flourishes under a multi-stakeholder community model run for the music Community by the music Community.

Respectfully submitted,



Signature: travispresleymusic@gmail.com, Oct 31 '15 ip: 65.216.70.186

Name: **Travis Presley**

Title: **Guitarist**

Organization*: **Beauty Is Betrayal**

* If you are an artist/band enter your artist/band name