

Re: Support for .MUSIC Community Application¹

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

Please accept this Letter of Support for the .MUSIC community application. The application meets the criteria to pass Community Priority Evaluation. This Letter also rejects the notion that there is no music community.

Signature:

Name:

Organization/Artist Name/Self:

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

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians' rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;²
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008 spanning hundreds of events and community meetings;³
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,⁴ IAO, FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.⁵
4. is the only .MUSIC applicant without a formal Community Objection filed against it;⁶
5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;

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

³ <http://music.us/events>

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

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

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

6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment⁷...aligned with [its] community-based Purpose” and uphold its established Community definition of a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” that “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders;”⁸
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”⁹ that prove beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds the CPE criteria for Community Establishment, Nexus and Support, agreeing that the defined community is accurate and matches the applied-for string;¹⁰
8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching¹¹ or discrimination.

⁷ Membership may be invoked based on participation in the defined community (See prevailing .RADIO CPE. The EIU concluded that the .RADIO community is “clearly defined” and that they have an awareness and recognition of their inclusion in the industry community” solely on the basis of being “participants in this clearly defined industry Pg.2). A non-exhaustive list of membership criteria is allowed by the AGB, including: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (See prevailing .HOTEL CPE. The EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (See prevailing .OSAKA CPE. The EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (See prevailing .ECO CPE. The EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

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

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

¹⁰ <http://music.us/expert/letters>

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

9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic’s defined community fulfill the “Nexus” criterion that requires that the string is commonly-known (i.e. known by most people¹²) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded “Yes.”¹³ In conclusion, a majority of the general public agreed that DotMusic’s associated definition of the community addressed (i.e. “a logical alliance of communities of individuals, organizations and business that relate to music”¹⁴) matches with the string;
10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;¹⁵
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.¹⁶ These enhanced safeguards include: restricting eligibility to Community members with the requisite awareness of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication verification process; a priority-based launch phase¹⁷ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;
12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
13. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its music-tailored .MUSIC

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

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

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

¹⁵ <http://music.us/board/>

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

¹⁷ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate, bad faith registrations and user confusion. This phase provides better protection against abuse or impersonation, offers Community members a cost-effective alternative to the Sunrise phase (or an Early Access Program used by other registries) and helps spur adoption.

Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF),¹⁸ a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;

14. has partnered with Afilias,¹⁹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world's second largest Internet domain name registry with over than 20 million domain names under management, which is more than all other .MUSIC applicants combined; and
15. is accountable to the global Music Community through its Public Interest Commitments²⁰ that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

¹⁸ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

¹⁹ <http://www.afilias.info/about-us>

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