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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

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

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

Our federation, the International Federation of Art Councils and Culture Agencies ("IFACCA"),² is the only "global network of arts councils and ministries of culture". IFACCA's purpose is to "support members to succeed" and "be a global voice advocating for arts and culture."³ IFACCA is *mainly*⁴ dedicated to the music and art community with documented activities and events.⁵ IFACCA has national members from over 75 countries⁶ (that relate to music and the arts) and 54 affiliate members globally.⁷

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

² <http://ifacca.org> IFACCA is the trading name for International Arts Federation Services Pty Ltd registered with Australian Company Number 19096797330

³ http://ifacca.org/vision_and_objectives

⁴ Per the Oxford and Merriam Webster dictionaries, the word "mainly" is defined as "*more than anything else*" (See <http://www.oxforddictionaries.com/definition/english/mainly> and <http://www.merriam-webster.com/dictionary/mainly> respectively). According to DotMusic, the string .MUSIC relates to the Community "by representing all constituents involved in music creation, production and distribution" (Application Answer to Question 20d). Supporting organizations related to that string that are "mainly" dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC), the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>).

⁵ See http://ifacca.org/ifacca_events, http://ifacca.org/ifacca_events/world-summits, http://ifacca.org/ifacca_events/regional, <http://ifacca.org/acorns>, http://ifacca.org/research_assistance, http://ifacca.org/information_exchange, <http://ifacca.org/themes-new>, <http://ifacca.org/goodpractice>, <http://ifacca.org/IFACCAirectory> and <http://ifacca.org/worldcp>.

⁶ See Nationals, http://ifacca.org/membership/current_members

⁷ See Affiliates, http://ifacca.org/membership/current_members

As stated in IFACCA's Constitution, the purposes and objectives for which the Federation has been established are to:

- benefit artists, arts and cultural organisations and communities world-wide by creating an international resource and meeting ground for all those whose public responsibility it is to support excellence and diversity in artistic and cultural endeavour;
- build global networks, promote understanding and enhance international cooperation between arts councils and culture agencies;
- strengthen the capacity of arts councils and culture agencies to meet the challenges and opportunities of globalisation and technological change;
- consolidate the collective knowledge of arts councils and culture agencies; and
- encourage public support for the practice of the arts and cultural diversity; and
- promote an appreciation of the talents of artists and creators and the value of creativity in the community.⁸

IFACCA "is the global federation of national arts councils and culture ministries with members in over 80 countries. Collaborative, flexible, apolitical and responsive, IFACCA is a unique international network. Its membership is comprised of a global constituency that is geographically and culturally diverse, and representative of a range of organisational types, including ministries of culture, arts councils, and other agencies committed to public support of the arts and culture. In this dynamic new age, governments have a role and a responsibility to understand how best to strengthen the arts, artistic creativity, and cultures, and tap into all they have to offer. But public policies must balance recognition of the social and economic benefits of the arts with their experiential and intrinsic value. The issues are complex and the question of how best to achieve this through improved policies and programme implementation is not always clear. IFACCA has a key role to play in helping government agencies navigate change and advocate for the arts. Importantly, IFACCA has also come to be seen as a reliable and accessible partner, on behalf of its members, with which the international arts and culture community can engage."⁹

According to ICANN's Applicant Guidebook ("AGB")¹⁰: "With respect to "Delineation" and "Extension," it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members." (AGB, 4-12). IFACCA qualifies under this designation and is one of the many entities *mainly* dedicated to the community which have supported DotMusic.¹¹

IFACCA supports the responsible, trusted and safe operation of the .MUSIC top-level domain under a community TLD multi-stakeholder governance model with Enhanced Safeguards tailored to serve the legitimate interests of the entire global Music Community.

Respecting and protecting music rights serves both the global music community and the public interest. Our organization supports the position of the International Federation of the Phonographic Industry,¹² which endorses DotMusic because it has "publicly committed to, and will be bound to,

⁸ IFACCA Constitution, <http://media.ifacca.org/files/ConstitutionJan14ENG.pdf>, Pg.3

⁹ IFACCA Strategic Plan 2015-2020, http://media.ifacca.org/files/IFACCA_Stratplan_english_web_July2015FINAL.pdf, Pg.3

¹⁰ <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-11jan12-en.pdf>

¹¹ <http://music.us/supporters>

¹² The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

implement meaningful and robust safeguards to protect against online infringement.”¹³ Our organization also supports the positions expressed in the letter¹⁴ sent to ICANN (on March 5th, 2015) by Victoria Shekler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter¹⁵ 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 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].” We also support the positions in the letter¹⁶ 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.”

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

1. is the only .MUSIC applicant that follows unified principles, ideals and mission that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination;¹⁷
2. developed its Mission and Registration Policies using a consensus-driven, bottom-up methodology via feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008.¹⁸ 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.¹⁹ As such, DotMusic’s community application should overwhelmingly exceed the minimum

¹³ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

¹⁴ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

¹⁵ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

¹⁶ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

¹⁷ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

¹⁸ <http://music.us/events>

¹⁹ <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

“(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. Music community members participate 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, including a shared legal framework in a regulated sector governed by common copyright law under the Berne Convention, which was established and agreed upon by over 167 international governments²⁰ with shared rules and communal regulations;²¹

4. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition filed against it.²² 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;²³
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;²⁴
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;”²⁵
7. Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector,²⁶ 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

²⁰ http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

²¹ 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

²² 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.

²³ See <http://newgtlds.icann.org/en/applicants/cpe/faqs-13aug14-en.pdf>, Pg. 6

²⁴ <http://music.us/comparison.pdf>

²⁵ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

²⁶ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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,²⁷ ISRC,²⁸ ISWC,²⁹ ISNI³⁰). As such, the string is aligned with DotMusic's Community definition ("a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music"), which is also consistent with Expert opinion.³¹ 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, providing compelling evidence and "conclusions that are compelling and defensible"³² that prove beyond reasonable doubt, that DotMusic's community-based application for .MUSIC exceeds the CPE criteria and thus should prevail, agreeing that the defined community is accurate and matches the applied-for string;³³
9. has provided an independent poll, conducted by independent polling organization Nielsen/Harris Poll, to address whether the string and DotMusic's defined community fulfill the "Nexus" criterion that requires that the string is commonly-known (i.e. known by most people³⁴) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."³⁵ In conclusion, a majority of the general public agreed that DotMusic's associated definition of the community addressed (i.e. "a logical alliance of communities of individuals, organizations

²⁷ 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

²⁸ 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

²⁹ 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

³⁰ The International Standard Name Identifier (ISNI) is the ISO 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

³¹ <http://music.us/expert/letters>

³² CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

³³ <http://music.us/expert/letters>

³⁴ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

³⁵ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>

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

and business that relate to music”³⁶) matches with the string;

10. is governed by the multi-stakeholder global Music Community with a diverse Policy Advisory Board encompassing commercial, non-commercial and amateur music-related constituent types;³⁷
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting. These include: restricting eligibility to Community members with the requisite awareness of the Community defined without discrimination; only allowing legal music content and usage; no parking pages; stopping domain hopping; anti-piracy takedown policies; authorization provisions; permanent blocks; privacy/proxy provisions; true name/address mandates; trusted sender complaints; registrant validation via a mandatory two-step phone and email authentication process; a priority-based launch phase³⁸ for Community members belonging to Music Community Member Organizations (MCMOs); naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List (GPML) to protect famous music brands;³⁹
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);⁴⁰
13. has partnered with Afilias,⁴¹ the backend registry provider for .ORG, to power .MUSIC domains. Afilias has the strongest background, track record and experience of any other .MUSIC backend registry provider. Afilias is the world’s second largest Internet domain

³⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

³⁷ <http://music.us/board/>

³⁸ Registrants must comply with naming conditions only allowing them to legitimately register their own name while preventing illegitimate or bad faith registrations. This phase provides better protection against abuse or impersonation, offers established community members a cost-effective alternative to the Sunrise phase (or an Early Access Program - <http://domainnamewire.com/2013/11/14/some-new-tlds-will-run-early-access-programs-for-the-landrush-phase>), and helps spur Industry adoption. This process provides increased relevancy for .MUSIC names while preventing cybersquatting of famous music brand names that could also create user confusion. Given DotMusic’s naming policies, Community members that do not have famous music names may register their names in the subsequent phase without the fear of famous artists registering their names. Furthermore, to ensure fair allocation and competition, Community members that do not belong to MCMOs can currently join many MCMOs for free if they want to secure their names during the MCMO phase. As such, social benefits will significantly exceed social costs.

³⁹ 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.

⁴⁰ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

⁴¹ <http://www.afilias.info/about-us>

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 Commitments⁴² that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

DotMusic clearly exceeds the criteria required to pass Community Priority Evaluation, has provided music-tailored Public Interest Commitments, and responsibly serves a higher purpose to fulfill the Community's needs and legitimate interests.

Respectfully submitted



Sarah Gardner
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International Federation of Arts Councils and Culture Agencies

26 August 2015

⁴² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>