



Future of Music Coalition

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August 11, 2015

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”):

Our music organization, Future of Music Coalition (“FMC”),² is a non-for profit organization *mainly* dedicated to the music community with fifteen years of documented activities and events.³ FMC 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.

FMC’s Mission is “supporting a **musical ecosystem where artists flourish and are compensated fairly and transparently for their work**. FMC works with musicians, composers and industry stakeholders to **identify solutions** to shared challenges. We promote strategies, policies, technologies and educational initiatives that **always put artists first** while recognizing the role music fans play in shaping the future. FMC works to ensure that diversity, equality and creativity drives artist engagement with the global music community, and that these values are reflected in laws, licenses, and policies that govern any industry that uses music as raw material for its business.”⁴

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

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

² <http://futureofmusic.org> and

³ <http://futureofmusic.org/issues/campaigns> and <http://futureofmusic.org/events>

⁴ <http://futureofmusic.org/mission>

the Phonographic Industry,⁵ which endorses DotMusic because it has “publicly committed to, and will be bound to, implement meaningful and robust safeguards to protect against online infringement.”⁶ Our organization also supports the positions expressed in the letter⁷ 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 letter⁸ 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 letter⁹ 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;¹⁰
2. is 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;¹¹
3. is the only .MUSIC applicant without a formal Community Objection or any relevant, substantiated opposition files against it.¹² It is in the public interest that the Panel protects the legitimate interests of the global Music

⁵ The IFPI represents the recording industry worldwide and is an entity *mainly* dedicated to the global Music Community, <http://www.ifpi.org/about.php>

⁶ <https://www.icann.org/en/system/files/correspondence/moore-to-crocker-18may15-en.pdf>

⁷ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

⁸ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

⁹ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

¹⁰ <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

¹¹ <http://music.us/supporters> and <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

¹² The public comment window has been open since 13 June 2012 for over 3 years. If there was any opposition of reasoned nature then any relevant music organization would have already voiced such concerns.

Community by invalidating any last minute spurious letter 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;¹³

4. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
5. 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.”¹⁴
6. is 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
7. 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 phase for Community members belonging to Music Community Member Organizations; naming conditions only allowing registrants to register their name, acronym or Doing Business As; and, a Globally Protected Marks List to protect famous music brands;
8. commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement and random compliance checks, with appropriate appeals mechanisms to fix compliance issues under its .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including independent dispute resolution via the National Arbitration Forum (NAF);¹⁶ and

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

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

¹⁵ <http://music.us/board/>

¹⁶ See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

9. is accountable to the global Music Community through its Public Interest Commitments¹⁷ that clarify its commitment to serve the global Music Community and public interest, while also addressing any concerns the Community may have.

Music is recognized by ICANN and GAC as a regulated sector, comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music.¹⁸ 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"¹⁹). Its Nexus matches the applied-for string because it represents the Community and allows all constituents to register a .MUSIC domain without any conflict of interests, over-reaching or discrimination.

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,



Casey Rae
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Future of Music Coalition
futureofmusic.org
August 11, 2015

¹⁷ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

¹⁸ <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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