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March 31, 2015

**Re: International Federation of Musicians (“FIM”) Support Letter for DotMusic’s
.MUSIC Community-Based Application (Application ID 1-1115-14110)**

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

Please accept the attached Letter of Support from the International Federation of Musicians (“FIM”) for DotMusic Limited and its .MUSIC community-based application with ID 1-1115-14110.¹

We kindly request that the attached Letter 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,

Constantinos Roussos
Founder
DotMusic

Website: <http://www.music.us>

Email: costa@music.us

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



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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; and
Constantinos Roussos, Founder of DotMusic

Support for DotMusic Limited's .MUSIC community-based Application ID 1-1115-14110¹

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

Our music organization, the International Federation of Musicians² ("FIM"), supports the community-based DotMusic Application for .MUSIC to safeguard intellectual property and serve the legitimate interests of the entire global music community, regardless of size, locale or constituent type, which include commercial, non-commercial and amateur music stakeholders.

The purpose of this letter is to confirm our support for DotMusic Limited³ (commonly-known as ".MUSIC" with Community Application ID 1-1115-14110) to operate the .MUSIC community-based top-level domain under a global music community multi-stakeholder governance model with enhanced safeguards tailored to serving the interests of the global music community, including both commercial and non-commercial stakeholders.

FIM is a relevant, non-negligible music non-governmental organization representing the "voice of musicians worldwide." FIM is the only global music body representing musicians and their trade unions globally with members in over 60 countries.⁴

FIM, founded in 1948, is globally-recognized and has a permanent relationship with the United Nations Educational, Scientific and Cultural Organization (UNESCO),⁵ the International Labor Organization (ILO)⁶ and the World Intellectual Property Organization (WIPO).⁷ It is recognised and consulted by the Council of Europe,⁸ the European Commission⁹ and the European Parliament.¹⁰ It enables it to participate in crucial negotiations on the protection of performers where it can make the voice of musicians heard. FIM is also member of the International Music Council (IMC).¹¹ It also collaborates with all national and international organisations representing workers in the media field. Activities include the creation of the International Arts and Entertainment Alliance (IAEA)¹² with the International Federation of Actors (FIA)¹³ and UNI-Media and Entertainment International (UNI-MEI).¹⁴ IAEA is a member of the Council of Global Unions (CGU).¹⁵ Furthermore, FIM works closely with collecting societies administering performers' intellectual property rights and was a driving force towards the adoption of the Rome Convention (1961) and the WPPT (1996).

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>

² <http://www.fim-musicians.org>

³ <http://www.music.us>

⁴ <http://www.fim-musicians.org/wp-content/uploads/FIM-members.pdf>

⁵ <http://en.unesco.org>

⁶ <http://www.ilo.org>

⁷ <http://wipo.int>

⁸ <http://www.coe.int>

⁹ http://ec.europa.eu/index_en.htm

¹⁰ <http://www.europarl.europa.eu/portal/en/>

¹¹ <http://www.imc-cim.org>

¹² <http://www.iaea-globalunion.org>

¹³ <http://www.fia-actors.com>

¹⁴ <http://www.uniglobalunion.org>

¹⁵ <http://www.global-unions.org>

FIM has created three regional groups, for Africa (FIM-AF, the FIM African Committee), for Latin America (GLM, Grupo Latino-americano de Músicos) and for Europe (the FIM European group).¹⁶ The Federation's main objective is to protect and further the economic, social and artistic interests of musicians with documented activities, such as:

- Furtherance of the organisation of musicians in all countries,
- Federation of unions of musicians throughout the world, furtherance and strengthening of international collaboration,
- Promoting of national and international protective legislative (or other) initiatives in the interests of musicians,
- Making of agreements with other international organizations in the interests of member unions and of the profession,
- Obtaining and compilation of statistical and other information referring to the music profession and provision of such information to member unions,
- Moral and material support of member unions in the interests of the profession and in accordance with the objects of FIM,
- Furtherance of all appropriate efforts to make good music a common property of all people,
- Holding of international congresses and conferences

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” (See Application, 20a) – matches the applied-for string since it represents the entire global music community and allows all constituents, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition is similar to the Wikipedia's “Music Community” definition:

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants. UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes, such as sharing a music culture, norms and subscribing to common ideals related to music... defined...by common values, cohesive norms and interconnected structures to build a community identity...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organizations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions between music creators, their value chain, distribution channel and fans subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*¹⁷

DotMusic is the only .MUSIC application which incorporates music-tailored Enhanced safeguards and Registration Policies aligned with its community-based purpose, such as:

- Its multi-stakeholder governance structure of fair representation under the .MUSIC Advisory Committee that includes all music constituents represented by the string;
- Restricting “Eligibility” to verified members of the global Music Community, including members of recognized DotMusic .MUSIC-Accredited Music Community Member Organizations (MCMOs);
- Validating members by mandating two-step email and phone authentication of all Community members;
- Cross-checking all domain registrations with the .MUSIC Globally Protected Marks List (“GPML”) that supersedes any registration phase and protects the names of famous music artists, brands and companies. The GPML also blocks the registration of known music pirate names e.g. “PirateBay”;

¹⁶ <http://www.fim-musicians.org/about-fim/history/>

¹⁷ Music Community. In *Wikipedia*. Retrieved December 1, 2014, from https://en.wikipedia.org/wiki/Music_community

- Launching in phases that provide a fair, responsible and non-discriminatory allocation of domains to eliminate cybersquatting of famous music brands and to ensure all music-related rights holders can claim their domains. Phases include (i) Sunrise, reserved for rights holders with music-related trademarks; (ii) the MCMO domain allocation phase, reserved for members of DotMusic-accredited .MUSIC Community Member Organizations (MCMOs); and (iii) Landrush. To ensure fairness, no conflicts of interest and non-discrimination, all multiple applications for the same domain will be decided upon via a mini-auction after each phase. After all phases are completed, domains will be available for all global music Community members on a first-come-first-serve basis under General Availability;
- Mandating "Name Selection" naming conditions to prevent cybersquatting and abusing music-related names by restricting registrants to registration of domains under their name, acronym, "doing business as (D.B.A)," description or mission;
- Restricting "Content and Use" of .MUSIC domains to only music-related legal content and limiting usage on .MUSIC domains to only music-related legitimate activities. Such activities include only allowing music content that is owned, licensed, or otherwise have rights to. Other "Content and Use" restrictions include prohibiting parking pages and the registration of a domain containing an established music brand's name in bad faith that might be deemed confusing to Internet users and the Music Community;
- Incorporating both proactive and reactive "Enforcement" measures. Proactive measures are taken at the time of registration. Reactive measures are addressed via compliance and enforcement mechanisms and through dispute processes. These include a comprehensive list of investigation procedures, random checks and circumstances in which DotMusic can suspend domain names if its Registration Policies and Enhanced Safeguards are violated, such as music copyright and trademark infringement;
- "Enforcement" includes appeals mechanisms which enhance accountability to the Community by providing registrants the opportunity to appeal any .MUSIC domain compliance matter. After notification of a compliance violation, registrants are given the opportunity to appeal and fix the compliance violation. DotMusic will provide registrants reasonable time to address the Registration Policy compliance matter;
- Addressing allegations if domain is not used for legitimate music purposes or otherwise infringes on DotMusic's Registration Policies. "Enforcement" measures and appeals are provided under the provisions of the music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"), which includes specific appeals/reconsideration requests heard by the Registry and the "National Arbitration Forum," the DotMusic-approved independent, alternative Dispute Resolution Provider ("DRP").¹⁸

We agree that the .MUSIC string must serve the global music community and the global public interest by incorporating music-focused Enhanced Safeguards to serve the community under a .MUSIC community-based string governed by the global Music Community following a multi-stakeholder approach of fair representation of all types of global music constituents, including a rotating regional advisory board working in the best interests of the Music Community encompassing global-reaching commercial and non-commercial or amateur stakeholders.

Respectfully Submitted,

Benoît Machuel
General Secretary, International Federation of Musicians
Paris, 16 December 2014



¹⁸ National Arbitration Forum ("NAF"), The .MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"), <http://domains.adrforum.com/main.aspx?itemID=2195>. Refer to the DotMusic MPCIDRP document at <http://domains.adrforum.com/resource.aspx?id=2190> for more detail on appeals mechanisms