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Subject: DotMusic Limited Community Priority Evaluation Analysis

Dear ICANN Board of Directors,

Please accept the attached Community Priority Evaluation Analysis for community-based application for .MUSIC with ID 1-1115-14110 (the "Applicant"). This submission is to the ICANN Board and is intended to be included for consideration by the Economic Intelligence Unit (EIU) when evaluating the Applicant during CPE.

Respectfully submitted,

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Letter to ICANN & Economist Intelligence Unit

Why DotMusic's Community-Based Application for .MUSIC Exceeds CPE Criteria: Analysis, Compelling Evidence & Expert Testimonies

August 12, 2015

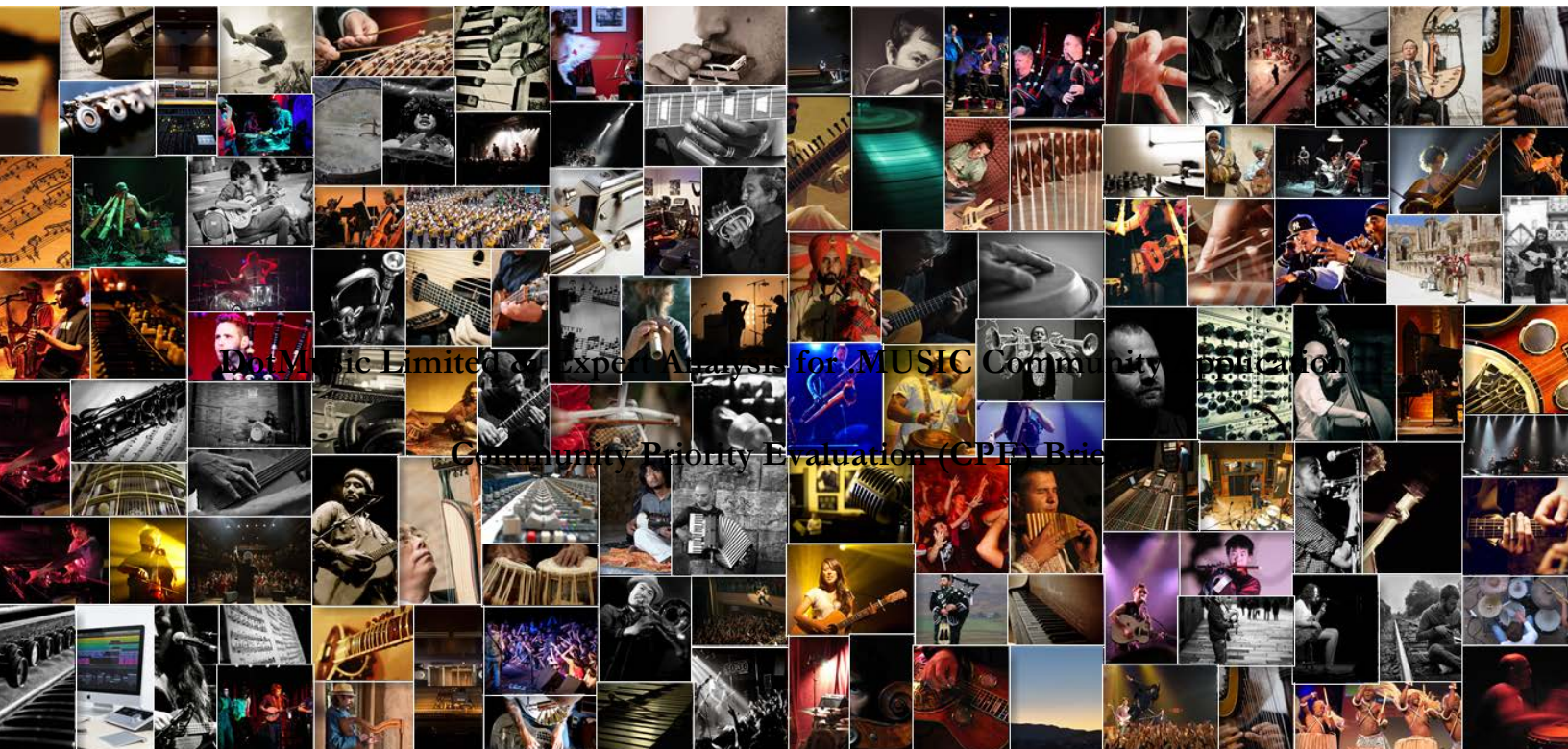


Table of Contents

Criterion #1: Community Establishment.....	3
1-A Delineation.....	3
Delineation.....	3
Organization.....	10
Pre-existence.....	17
1-B Extension.....	18
Size.....	18
Longevity.....	19
Criterion #2: Nexus between Proposed String and Community.....	20
2A – Nexus.....	20
2B – Uniqueness.....	22
Criterion #3: Registration Policies.....	22
3-A Eligibility.....	22
3-B Name Selection.....	23
3-C Content and Use.....	24
3-D Enforcement.....	25
Criterion #4: Community Endorsement.....	27
4-A Support.....	28
4-B Opposition.....	28
References.....	34
Disclaimer:.....	35
Appendix A: Expert Testimonies.....	36
Appendix B: Independent Nielsen/Harris Poll.....	38
Appendix C: .MUSIC Applicant Comparison Chart.....	42

Criterion #1: Community Establishment

1-A Delineation

The Community Priority Evaluation panel should determine that the community, as defined by the application, meets the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook (AGB), because the community defined in the application demonstrates sufficient delineation, organization, and pre-existence. It is respectfully submitted that the application should receive a score of 2 out of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the application) among its members.

The application defines its community as follows:

The Community is a strictly delineated and organized community of individuals, organizations and business, a “logical alliance of communities of a similar nature (“COMMUNITY”),” that relate to music: the art of combining sounds rhythmically, melodically or harmonically. (Question 20A)

According to the AGB, “[d]elineation relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low.” As required by the AGB, the application shows a clear and straight-forward membership definition because the application specifies that the Community definition is a “strictly delineated and organized community of individuals, organizations and business...that relate to music: the art of combining sounds, rhythmically, methodically or harmonically.”

According to the application:

DotMusic will use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment beyond reasonable doubt and incorporate safeguards in membership criteria “aligned with the community-based Purpose” ...

Registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership” without discrimination, conflict of interest or “likelihood of material detriment to the rights and legitimate interests” of the Community. (Question 20A)

The Application also provides that the “Community” served consists of:

[M]usic stakeholders being structurally organized using pre-existing, strictly delineated classes and recognized criteria to clearly organize the Community classified by:

- North American Industrial Classification System codes (NAICS¹) used by the Census Bureau and Federal statistical agencies as the classification standard for the purpose of collecting, analyzing, and publishing statistical data related to the U.S.
- United Nations International Standard Industrial Classification (ISIC) system² to “delineate according to what is the customary combination of activities”³ such as those representing the Community.

The Music Community is strictly delineated using established NAICS codes that align with the (i) characteristics of the globally recognized, organized Community, and (ii) .MUSIC global rotating multi-stakeholder Advisory Board model of fair representation, irrespective of locale, size or commercial/non-commercial status, organized with the following delineation (corresponding NAICS code in parenthesis):

- Musical groups and artists (711130)
- Independent music artists, performers, arrangers & composers (711500)
- Music publishers (512230)
- Music recording industries (512290)
- Music recording & rehearsal studios (512240)
- Music distributors, promoters & record labels (512220)
- Music production companies & record producers (512210)
- Live musical producers (711130)
- Musical instrument manufacturers (339992)
- Musical instruments & supplies stores (451140)
- Music stores (451220)
- Music accountants (541211)
- Music lawyers (541110)

¹ <http://www.census.gov/eos/www/naics>

² http://www.unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf

³ <http://www.unstats.un.org/unsd/class/family/family2.asp?CI=17>

- **Music education & schools (611610)**
- **Music agents & managers (711400)**
- **Music promoters & performing arts establishments (711300)**
- **Music promoters of performing arts with facilities (711310)**
- **Music promoters of performing arts without facilities (711320)**
- **Music performing arts companies (711100)**
- **Other music performing arts companies (711190)**
- **Music record reproducing companies (334612)**
- **Music, audio and video equipment manufacturers (334310)**
- **Music radio networks (515111)**
- **Music radio stations (515112)**
- **Music archives & libraries (519120)**
- **Music business & management consultants (541611)**
- **Music collection agencies & performance rights organizations (561440)**
- **Music therapists (621340)**
- **Music business associations (813910)**
- **Music coalitions, associations, organizations, information centers & export offices (813920)**
- **Music unions (813930)**
- **Music public relations agencies (541820)**
- **Music journalists & bloggers (711510)**
- **Internet Music radio station (519130)**
- **Music broadcasters (515120)**
- **Music video producers (512110)**
- **Music marketing services (541613)**
- **Music & audio engineers (541330)**

- **Music ticketing (561599)**
- **Music recreation establishments (722410)**
- **Music fans/clubs (813410)**

(Question 20A)

Membership is determined through those individuals or entities with requisite awareness that identify as members of the Music Community through either active verified membership and participation in a Music Community Member Organization (mCMO) (of which members comprise over 95% of music produced and consumed worldwide) **or** those individuals or organizations, which may not be mCMO members, but which have requisite awareness of the community and affirmatively identify and categorize themselves according to NAICS/ISIC classifications⁴ and agree to abide by and support the Community focused Use Policies.

In support of those goals the Application provides that:

- 1) **DotMusic will incorporate Community membership eligibility restricted only to members verifying themselves as Community members based on NAICS/ISIC classifications and agreeing to Community-focused Use policies and dispute resolution/takedown mechanisms to benefit the .MUSIC Mission/Purpose and multi-stakeholder mission and to protect DotMusic from privacy and monopoly laws. Any violation of the membership criteria, Use and other Policies might lead to the cancellation of membership status, including domain takedown if deemed appropriate.**

Community members will be able to use their membership credentials to be included in the uniquely-classified Premium Channels that are sorted according to NAICS/ISIC classifications. For example, music publishers (NAICS code 512230) will be able to organically self-categorize themselves in a highly relevant manner and be included in the Publishers.MUSIC Premium Channel using their membership credentials to participate. (Question 18B ii);

And

- 2) For members with requisite awareness that are also part of existing Music Community Member Organizations (mCMOs), the Application provides a Landrush registration:

Music Community Member Organization (MCMO) Landrush for registrants with demonstrated MCMO memberships...

MUSIC COMMUNITY MEMBER ORGANIZATION (MCMO) LANDRUSH LAUNCH

⁴ Members sorted according to these classifications must be music-related

This is the second phase of .MUSIC domain registration. It is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (mCMO). (Application Answer to Question 18(B)(vi) & 20(e))

The mCMO domain allocation method during the Landrush phase was created by DotMusic to allow Community members to register through established Community organizations. During the General Registration phase the TLD is open to all Community members for registration, but also restricted by Eligibility, Use and other Policies, including enhanced safeguards. (Application Answer to Question 20B).

Applicant requires that members of the Community self-identify by selecting the delineation of the music constituent type to which they belong to or associate with. This identification process is aligned with the member's requisite awareness of the "logical alliance of communities related to music." After their self-identifying, the Registry will place the registrant/community member into the corresponding premium channel(s) sorted according to music delineation type. Most importantly, all registrants/community members are governed by the applicant's Community Use Policies and Restrictions that are related to music.

According to the AGB's second Delineation criterion, "community" implies "more of cohesion than a mere commonality of interest" and there should be "an awareness and recognition of a community among its members." The community as defined in the application (the "Community") has awareness and recognition among its members. This is because the community as defined consists of entities that are in the music Community (which may be commonly referred to by many in the general public as the "music industry")⁵, and as participants, whether they be creators (amateur or professional), producers, manufacturers, publishers in this clearly defined industry, they have an awareness and recognition of their inclusion in the music Community. In addition, membership in the Community is sufficiently structured, as the requirements listed in the community definition above show. Members recognize themselves as part of the music community as evidenced, for example, by their inclusion in many music community organizations and participation in their events.

The application's Public Interest Commitments⁶ provide clarification of the application language concerning the requirement of Community awareness and recognition among its members:

- A commitment to not discriminate against any legitimate members of the global music community by adhering to the DotMusic Eligibility policy of non-discrimination that restricts eligibility to Music Community members -- as explicitly stated in DotMusic's Application -- that have an active, non-tangential relationship with the applied-for string and also have the requisite awareness of the music community they identify with as part of the registration process. This public interest commitment ensures the inclusion of the entire global music

⁵ <http://www.encyclopedia.com/doc/1G2-3401802800.html> and http://is.jrc.ec.europa.eu/pages/ISG/documents/FINALMusicreportwithcovers_EB_Corrected_02.pdf

⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

- community that the string .MUSIC connotes. (PIC at p.1)
- A commitment that the string will be launched under a multi-stakeholder governance structure of representation that includes all music constituents represented by the string, irrespective of type, size or locale, including commercial, non-commercial and amateur constituents, as explicitly stated in DotMusic’s Application.

As explicitly stated in its Application, DotMusic commits to:

- a. uphold its Community definition of a “logical alliance of communities of similar nature that relate to music” to incorporate all Music Community members;
 - b. accredit eligible non-negligible music organizations of relevance without discrimination if they meet the Music Community Member Organization (MCMO) Accreditation criteria;
 - c. to give members of MCMOs priority to register a .MUSIC domain during the MCMO Launch Phase to help launch .MUSIC responsibly and drive adoption;
 - d. to allow all legitimate members of the Community as defined to register a .MUSIC domain;
 - e. maintain a rotating, global Advisory Committee (“Policy Advisory Board” “PAB”) consisting of and representing all multi-stakeholder constituent types. (PIC at p.2)
- [E]ntities with a casual, tangential relationship with music (i.e. without the requisite awareness of belonging to the Community) or those entities belonging to pirate networks or unlicensed networks are entirely excluded from the Music Community definition. (PIC at p.16)
 - The defined Community is delineated and organized because it operates in a regulated sector that 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,⁷ ISRC,⁸

⁷ 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

⁸ 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

ISWC,⁹ ISNI¹⁰). (PIC at p.11 and Application Answer to Question 20a)

- DotMusic expects that the substantial majority of all of its registrations will originate from the music entity type classified as “Musical groups and artists” (e.g. See North American Industrial Classification System (NAICS) code 711130¹¹ or the United Nations Industrial Classification (ISIC) code 9214¹²). (PIC at p.11).
- DotMusic has required all music entity types to be “music”-related. For example, all eligible entities delineated and organized under constituent types (using NAICS as a reference for clearly classifying constituent types) must have an association with the gTLD and “music” with respect to their primary activity. This is because the string naturally identifies all entities involved in music. For example, the NAICS code for “lawyers” is 541110. According to DotMusic’s Application, .music is only restricted to the “music” Community and excludes any peripheral entities. DotMusic’s Application has added the word “music” next to the DotMusic-selected NAICS code to ensure that the eligible Community members are automatically associated with the string. In this example, eligibility is restricted to “Musical lawyers (541110)” (See Application Answer to Question 20a below) i.e. general, non-music lawyers are prohibited from registration because they are peripheral entities not automatically associated with the gTLD. (PIC at pp. 11-12).
- music-only eligibility is also in alignment with the Content & Use requirement that any content and usage must be music-only. This coherent set of restrictions serves the public interest because it is consistent with the string’s articulated community-based purpose tailored for music. (PIC at p.12)

Accordingly, it is respectfully submitted that the Panel should determine that the community as defined in the application satisfies both of the conditions to fulfill the requirements for delineation.

IFPI. See <http://isrc.ifpi.org>, <https://www.usisrc.org/about/index.html> and http://www.iso.org/iso/catalogue_detail?csnumber=23401

⁹ 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

¹⁰ 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

¹¹ The equivalent code for the NAICS code for “Musical groups and artists” (See <http://unstats.un.org/unsd/cr/registry/regcssm.asp?Cl=230&Lg=1&Co=711130>) under the United Nations International Standard of Industrial Classification (ISIC) is “Musicians and musical groups” with code 9214, See <https://unstats.un.org/unsd/cr/registry/regso2.asp?Cl=17&Co=9214&Lg=1>

¹² See <http://www.census.gov/econ/isp/sampler.php?naicscode=711130&naicslevel=6>. The corresponding code relating to music-related activities according to the United Nations International Standard Industrial Classification (ISIC) is 592 (“sound recording and music publishing activities”), See http://unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf Pg. 209 and <http://unstats.un.org/unsd/cr/registry/regcs.asp?Cl=27&Co=592&Lg=1>. According to the United Nations, “NAICS does provides more comparability to ISIC” and “NAICS is more detailed and recognizes many more high-tech and service industries,” See <http://unstats.un.org/unsd/class/intercop/expertgroup/1998/ac63-10.pdf>, Pg.8

Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities. According to the AGB, "organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities."

According to ICANN's Applicant Guidebook ("AGB")¹³: "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). The community as defined in the DotMusic application has at least one entity mainly¹⁴ dedicated to the community which has supported DotMusic. Applicant's supports include several "international federation of national communities of a similar nature" relating to music, music coalitions and other relevant and non-negligible music organizations. At least seven (7) such entities support Applicant.

One entity that is mainly dedicated to the community is the International Federation of Phonographic Industry (IFPI). The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the "voice of the recording industry worldwide"¹⁵ whose members¹⁶ – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,¹⁷ represents "approximately 85% of all legitimate recorded music produced and sold in the United States,"¹⁸ the world's largest music market with 30% global market share.¹⁹ Formed in 1933, the IFPI's mission was to "represent the interests of the recording industry worldwide in all fora." The IFPI has been active since its founding in 1933 and its documented activities and events include market research and global insight, legal policy and litigation, performance rights, anti-piracy, international trade, technology and communications.²⁰

¹³ <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-11jan12-en.pdf>

¹⁴ 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>).

¹⁵ <http://www.ifpi.org/about.php>

¹⁶ <http://www.ifpi.org/our-members.php>

¹⁷ <http://www.ifpi.org/national-groups.php>

¹⁸ <http://www.riaa.com/faq.php>

¹⁹ <http://www.statista.com/topics/1639/music/>

²⁰ <http://www.ifpi.org/what-we-do.php>

A second entity that is mainly dedicated to the community is the International Federation of Musicians (FIM) 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.²¹ FIM is the only international federation that is mainly dedicated to and represents musicians globally which has official relations with the United Nations Economic and Social Council (ECOSOC)(Ros C); the United Nations Educational, Scientific and Cultural Organization (UNESCO) (Consultative Status); the World Intellectual Property Organization (WIPO) (Permanent Observer Status); and the Organisation internationale de la Francophonie (OIF). FIM is a member of International Music Council (IMC) founded in 1949 by UNESCO, which represents over 200 million music constituents from over 150 countries and over 1000 organizations.²² FIM’s aim is to “protect and elevate the economic, social and artistic status and interests of musicians, both in their role as performers and as producers of the recording of their own performances.”²³

The FIM, founded in 1948, is globally-recognized and has a permanent relationship with the *United Nations Educational, Scientific and Cultural Organization* (UNESCO),²⁴ the International Labor Organization (ILO)²⁵ and the World Intellectual Property Organization (WIPO).²⁶ It is recognized and consulted by the Council of Europe,²⁷ the European Commission²⁸ and the European Parliament.²⁹ It enables it to participate in crucial negotiations on the protection of performers where it can make the voice of musicians heard. The FIM is also member of the International Music Council (IMC).³⁰ It also collaborates with all national and international organizations representing workers in the media field. Activities include the creation of the International Arts and Entertainment Alliance (IAEA)³¹ with the International Federation of Actors (FIA)³² and UNI-Media and Entertainment International (UNI-MEI).³³ IAEA is a member of the Council of Global Unions (CGU).³⁴ Furthermore, the FIM works closely with collecting societies administering performers’ rights. Its documented activities and events include the furtherance of musicians in all countries, strengthening of international collaboration, promoting of national and international protective legislative (or other) initiatives in the interests of musicians, obtaining and compilation of statistical and other information referring to the music profession and provision of such information to member unions, as well as holding events such as international congresses and conferences.³⁵

²¹ <http://www.fim-musicians.org>

²² <http://www.imc-cim.org/about-imc-separator/who-we-are.html>

²³ <http://ngo-db.unesco.org/r/or/en/1100025135>

²⁴ <http://en.unesco.org>

²⁵ <http://www.ilo.org>

²⁶ <http://wipo.int>

²⁷ <http://www.coe.int>

²⁸ http://ec.europa.eu/index_en.htm

²⁹ <http://www.europarl.europa.eu/portal/en/>

³⁰ <http://www.imc-cim.org>

³¹ <http://www.iaea-globalunion.org>

³² <http://www.fia-actors.com>

³³ <http://www.uniglobalunion.org>

³⁴ <http://www.global-unions.org>

³⁵ <http://www.fim-musicians.org/about-fim/history/>

Another third entity dedicated to the community is the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA). IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.³⁶ IFACCA's members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The "Size" covered reaches over a hundred million music entities i.e. "considerable size with millions of constituents" per (Application Answer to Question 20a).

The string "music" falls under the jurisdiction of each country's Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.³⁷ The UNESCO strategic partnership³⁸ is relevant, especially since UNESCO founded the International Music Council (the "IMC") in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.³⁹

Government activities in the clearly delineated and organized "Music Community" include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is \$0.091 for songs five minutes or less in length or \$.0175 per minute for songs that are over five minutes long.⁴⁰

Ministries of culture and arts councils (that comprise IFACCA's membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA's membership support the "performing arts" and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with

³⁶ http://www.ifacca.org/membership/current_members/

³⁷ http://www.ifacca.org/strategic_partners/

³⁸ http://www.ifacca.org/strategic_partners/

³⁹ <http://www.imc-cim.org/about-imc-separator/who-we-are.html>

⁴⁰ U.S Copyright Office, <http://www.copyright.gov/carp/m200a.html>

critical support of music activities.⁴¹ Other small government Ministries of Culture, such as Albania,⁴² or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,⁴³ all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world's largest music conference.⁴⁴

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries' and arts councils' substantial connection to and support of "music" is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA's membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour (\$415,000), the New Zealand String Quartet (\$150,000) and New Zealand Music Commission: (\$1,378,000).⁴⁵
- The Australian Government/Council For The Arts invested \$51.2 million for the nation's orchestras; \$21.6 million for opera; \$10.8 million for other music artists and organizations; \$13.1 million for multi-platform artists and organizations; and \$4 million in miscellaneous funding, including sector building and audience development initiatives and programs.⁴⁶
- Canada Council for the Arts is Canada's national, arts funding agency investing \$28 million in its Canada Council Musical Instrument Bank (Page 16) and \$28,156,000 in Music Arts Programs (Page 66).⁴⁷ The Government of Canada also renewed its annual investment of \$27.6 million over five years in the Canada Music Fund.⁴⁸

⁴¹ 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 "Music" (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10), Musical Festivities for the European Volunteerism Year (1.2.11)

⁴² http://www.culturalpolicies.net/down/albania_012011.pdf

⁴³ 2010-11 Annual Report from India Ministry of Culture, [http://www.indiaculture.nic.in/hindi/pdf/Culture-AnRe-2010-2011\(Eng\).pdf](http://www.indiaculture.nic.in/hindi/pdf/Culture-AnRe-2010-2011(Eng).pdf)

⁴⁴ <http://my.midem.com/en/contact-us/pavilion-representatives/>

⁴⁵ 2011 Annual Report from New Zealand Ministry of Culture: [http://www.mch.govt.nz/files/Annual%20report%202011%202012%20pdf%20version%20\(D-0448383\).PDF](http://www.mch.govt.nz/files/Annual%20report%202011%202012%20pdf%20version%20(D-0448383).PDF)

⁴⁶ 2011 Annual Report for the Australia Council for the Arts, http://www.australiacouncil.gov.au/_data/assets/pdf_file/0016/142351/Australia-Council-Annual-Report-201112.pdf, Page 28

⁴⁷ 2011 Annual Report for Canada Council for the Arts, http://www.canadacouncil.ca/NR/rdonlyres/6F7549BB-F4E5-4B8B-95F4-1FF9FAFB9186/0/CanadaCouncilAnnualReport2012_COMPLETE.pdf

⁴⁸ <http://www.pch.gc.ca/eng/1294862453819/1294862453821>

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.⁴⁹
- The United States National Endowment of the Arts has awarded more than \$4 billion to support the arts since its inception⁵⁰ and has a strong focus on music as outlined in its Strategic Plan⁵¹ with Congress requested to provide \$154,465,000 for fiscal year 2014.⁵²
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”⁵³
- The Singapore Arts Council will fund \$10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.⁵⁴
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.⁵⁵

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

A fourth entity NAMM, the International Music Products Association, is an entity mainly dedicated to the community and is a group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, has globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanez, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others.^{56 57} Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. NAMM and its trade shows power the \$17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical

⁴⁹ Department for Culture, The Importance of Music, A National Plan for Music Education, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/180973/DFE-00086-2011.pdf, Page 4, 2011

⁵⁰ 2011 Annual report for the National Endowment of the Arts, <http://www.nea.gov/about/11Annual/2011-NEA-Annual-Report.pdf>, Page 2

⁵¹ NEA Strategic Plan 2012-2016, www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf

⁵² http://www.ifacca.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/

⁵³ 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, <http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download>, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)

⁵⁴ Singapore Arts Council, <http://www.nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91c>

⁵⁵ <http://www.taiteenkeskustoimikunta.fi/documents/10162/31704/TY+tilastotiedote+1+12+.pdf>, Page 1 and Page 23

⁵⁶ https://www.namm.org/files/showdir/ExhibitorList_WN15.xls

⁵⁷ <http://www.musictrades.com/global.html>

products, recording technology, sound and lighting. NAMM documented activities and events include the NAMM Show, the world's largest event for the music products community.⁵⁸

A fifth global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music”⁵⁹ – a majority of global music.⁶⁰

Another letter⁶¹ sent to ICANN (on April 14th, 2015) from a sixth entity, the NMPA and on behalf of a music publisher and songwriter community coalition, representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Finally, a seventh example of an “entity *mainly* dedicated to the community,” with members that cover hundreds of millions of music constituents with formal boundaries, is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.⁶²

The reach of A2IM Associate⁶³ membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes⁶⁴** – iTunes accounts for 63% of global digital music market⁶⁵ - a majority – with a registered community of 800 million registered members⁶⁶ available in 119 countries who abide to strict terms of service and boundaries⁶⁷ and have downloaded over 25 billion songs⁶⁸ from iTunes’ catalog of over 43 million songs⁶⁹ covering a global music community, regardless of genre or

⁵⁸ <https://www.namm.org/thenammshow>

⁵⁹ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>, Pg.1

⁶⁰ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>, Pg.3, Appendix A

⁶¹ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-ciu-14apr15-en.pdf>

⁶² <http://a2im.org/about-joining/>

⁶³ <http://a2im.org/groups/tag/associate+members/>

⁶⁴ <http://a2im.org/groups/itunes>

⁶⁵ <http://appleinsider.com/articles/13/04/16/apples-itunes-rules-digital-music-market-with-63-share>

⁶⁶ <http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt>

⁶⁷ <http://www.apple.com/legal/internet-services/itunes/ww/index.html>

⁶⁸ <http://www.apple.com/pr/library/2013/02/06iTunes-Store-Sets-New-Record-with-25-Billion-Songs-Sold.html>

⁶⁹ <https://www.apple.com/itunes/features/>

whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.⁷⁰

- **Pandora**⁷¹ – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.⁷²
- **Spotify**⁷³ – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.⁷⁴
- **Vevo**⁷⁵ – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.⁷⁶
- **Youtube**⁷⁷ – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,⁷⁸ of which 38.4% is music-related.⁷⁹
- **Reverbnation**⁸⁰ – Reverbnation⁸¹ is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.
- **BMG**⁸² – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.⁸³

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport⁸⁴), China (China Audio Video Association⁸⁵) and Germany (Initiative Musik).⁸⁶ A2IM also has Affiliate⁸⁷ associations

⁷⁰ <https://www.apple.com/itunes/working-itunes/sell-content/music-faq.html>

⁷¹ <http://a2im.org/groups/pandora>

⁷² <http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/> and <http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT0z&t=1>, Pg.9

⁷³ <http://a2im.org/groups/spotify>

⁷⁴ <https://press.spotify.com/us/information/>

⁷⁵ <http://a2im.org/groups/vevo/>

⁷⁶ <http://www.vevo.com/c/EN/US/about>

⁷⁷ <http://a2im.org/groups/youtube/>

⁷⁸ <https://www.youtube.com/yt/press/statistics.html>

⁷⁹ <http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and>

⁸⁰ <http://a2im.org/groups/reverb-nation/>

⁸¹ <http://www.reverbnation.com/about>

⁸² <http://a2im.org/groups/bmg-rights/>

⁸³ <http://www.bmg.com/category/about-us/history/>

⁸⁴ <http://a2im.org/groups/french-music-export-office>

⁸⁵ <http://a2im.org/groups/china-audio-video-association-cava>

⁸⁶ <http://a2im.org/groups/initiative-musik-gmbh>

⁸⁷ <http://a2im.org/groups/tag/associate+members/>

within the global music community. These include Affiliates such as MusicFirst,⁸⁸ the Copyright Alliance,⁸⁹ the Worldwide Independent Network (WIN)⁹⁰ and Merlin.⁹¹

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.⁹² The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises).

Cumulatively, A2IM's Label and Associate Membership, A2IM's Affiliates and the A2IM's Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size

Accordingly, it is respectfully submitted that the Panel should determine that the community as defined in the application satisfies both of the conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed) and must display an awareness and recognition of a community among its members.

The community as defined in the application was active prior to September 2007 as required by the AGB, section 4.2.3. According to the application:

The Community has bought, sold, and bartered music for as long ("LONGEVITY") as it has been made (R. Burnett, International Music Industry, 1996 and P. Gronow, International History of the Recording Industry, 1998). The Community is a delineated network where production and distribution of music occur in a process relying on labor division and technology. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial (M. Talbot, Business of Music, 2002). The foundation for the structured

⁸⁸ <http://musicfirstcoalition.org/coalition>, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.

⁸⁹ <http://www.copyrightalliance.org/members>

⁹⁰ <http://www.winformusic.org>

⁹¹ <http://www.merlinnetwork.org>

⁹² <https://www.icann.org/en/system/files/correspondence/bengloff-to-chehade-et-al-20aug14-en.pdf> and <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

and strictly delineated Community only resulted from the interplay between the growing music publishing business and an emerging public music concert culture in the 18th century (“PRE-EXISTING”). Consequently, music publishers and concert promoters assumed the function of institutional gatekeepers of the Music Community who decided which music reached consumers and in what form, thus setting the parameters within which creativity was able to unfold (P. Tschmuck, Creativity & Innovation in the Music Industry, Institute of Culture Management & Culture Science, 2006). (Question 20A)

The community as defined in the application was active prior to September 2007.

Furthermore, most of the supporting organizations that fall within the application’s delineation have been active prior to 2007, including the IFPI⁹³ (1933), FIM⁹⁴ (1948), NAMM⁹⁵ (1901) and others. The Panel can determine that because organizations like those referenced above are mainly dedicated to the members of the community as defined by the application, and because they and most others were active prior to 2007, the community as defined in the application fulfills the requirements for Pre-existence.

As discussed above, these organizations and their members, in addition to being active prior to 2007, demonstrate the AGB’s requirements for awareness and recognition.

Accordingly, it is respectfully submitted that the Panel should determine that the community as defined in the application fulfills the requirements for pre- existence.

1-B Extension

The Panel should determine that the community as identified in the application meets the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as the application fulfilled the requirements for the size and longevity of the community. The application should receive a score of 2 out of 2 points under criterion 1-B: Extension.

Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size.

According to the application:

⁹³ <http://www.ifpi.org/downloads/ifpi-a-short-history-november-2013.pdf>

⁹⁴ <http://www.fim-musicians.org/about-fim/history/>

⁹⁵ <https://www.namm.org/library/blog/oldest-known-namm-member-photo-donated>

The Music Community's geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries ("EXTENSION") with a Community of considerable size with millions of constituents ("SIZE"). (Question 20A)

Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

While the exact size of the global Music Community as defined is unknown (there is no evidence providing an exact, finite number because amateur entities are also included in the Community's definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic's definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. (PIC at p.13)

Accordingly the Panel should determine that the community as defined in the application satisfies both of the conditions to fulfil the requirements for size and awareness.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. According to the application:

The Community has bought, sold, and bartered music for as long ("LONGEVITY") as it has been made (R. Burnett, International Music Industry, 1996 and P. Gronow, International History of the Recording Industry, 1998). The Community is a delineated network where production and distribution of music occur in a process relying on labor division and technology. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial (M. Talbot, Business of Music, 2002). The foundation for the structured and strictly delineated Community only resulted from the interplay between the growing music publishing business and an emerging public music concert culture in the 18th century ("PRE-EXISTING"). Consequently, music publishers and concert promoters assumed the function of institutional gatekeepers of the Music Community who decided which music reached consumers and in what form, thus setting the parameters within which creativity was able to unfold (P. Tschmuck, Creativity & Innovation in the Music Industry, Institute of Culture Management & Culture Science, 2006). (Question 20A)

Given the size of the music community and its historical background, the Panel should determine that the pursuits of the community are of a lasting, non-transient nature. Additionally, as discussed above, the community defined by the application demonstrates the recognition and awareness required by the AGB.

The Panel should determine that the community as defined in the application satisfies both of the conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community

2A – Nexus

The Panel should determine that the application meets the criterion for Nexus as specified in section 4.2.3

(Community Priority Evaluation Criteria) of the AGB. The string matches the name of the community as defined in the application. The application received a score of 3 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus (of 2 out of 3 points; 1 point is not possible), the applied-for string must identify the community. “Identify means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.”

According to the application:

The .MUSIC string relates to the Community by:

- **Completely representing the entire Community. It relates to all music-related constituents using an all-inclusive, multi-stakeholder model**
- **Directly communicating that the content is music-related and representing the Community in a positive and beneficial manner consistent with the .MUSIC Purpose and Use policy**

...The Community is not subject to merely commercial/financial variables. The music Community is driven primarily by technology and the socio-cultural environment that influence music-related media cultures and consumer behavior, including the Community itself.

The socio-cultural environment drives the TLD, including the cultural diversity that provides space within the Community for many genres/participants, general socioeconomic and demographic factors and their impact on diverse local environments, and the support that the Community gives to new

creators/performers. The string and Community share a particular cultural ambience: a sensitivity and preference for certain cultural expressions. The ambience is diverse and influential: music preferences of different sections of the society vary, ranging from metal to classical; Socio-economic distributions and demographic patterns.

...The Community and the .MUSIC string share a core value system of artistic expression with diverse, niche subcultures and socio-economic interactions between music creators, their value chain, distribution channel, and ultimately engaging fans as well as other music constituents subscribing to common ideals. (Question 20D)

The Panel should determine that the Community (as defined by the application, including those community organizations supporting the application) are also “commonly known by others” (AGB) both in and outside of the community by the applied-for string “MUSIC” as required by the AGB. Indeed, the word “music” is defined in the application as “the art of combining sounds rhythmically, melodically or harmonically” or “vocal or instrumental sounds (or both) combined in such a way as to produce beauty of form, harmony, and expression of emotion” (Oxford Dictionaries). This common usage of the applied-for string closely aligns with the community as defined in the application and with Wikipedia’s definition for “Music Community.”⁹⁶

According to the AGB, “with respect to “Nexus,” for a score of 3, the essential aspect is that the applied-for string is commonly known by others as the identification / name of the community.” (CPE Guidelines, Pg.8)

To address “Nexus,” an independent survey was conducted within the United States from August 7 through August 11, 2015 among 2,084 adults ages 18 and older, by Harris Poll⁹⁷ on behalf of DotMusic Limited. Figures for age, sex, race/ethnicity, education, region and household income were weighted where necessary to bring them into line with their actual proportions in the population. The data was also weighted to reflect the composition of the adult population. Nielsen/Harris Poll addressed whether the applied-for string was commonly-known (i.e. known by most people⁹⁸) and associated with the identification of the community defined by DotMusic by asking the question:

If you saw a website domain that ended in “.music” (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)?⁹⁹

⁹⁶ A dictionary or encyclopedia may be used to determine how the applied-for string is used for Nexus evaluation. These may analyze present and evolving uses of a word, capturing in this case the most prevalent uses of “music”. See: http://oxforddictionaries.com/us/definition/american_english/music or https://en.wikipedia.org/wiki/Music_community

⁹⁷ <http://www.harrisinteractive.com/Products/HarrisPollQuickQuery.aspx>

⁹⁸ <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

⁹⁹ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>, Fielding Period: August 7-11, 2015, Pg. 1,2,3 and Appendix B

Most people, 1562 out of 2084 (3 in 4 or 75% of the respondents) responded “Yes,”¹⁰⁰ which is aligned with the “Nexus” Criterion 2A requirements that the applied for-string is “commonly-known” as the identification of the community addressed by the application.

Furthermore, independent testimonies and disclosures from over 40 experts agree that the application’s defined community matches the applied-for string.¹⁰¹

Therefore, the Panel should determine that the applied-for string is the established name by which the community is commonly known by others, and the applied-for string matches the community as defined in the application. Therefore, it is respectfully submitted that the Applicant meets the requirements for a full credit of 3 points on Nexus.

2B – Uniqueness

The Panel should determine that the application meets the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application received a score of 1 out of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application demonstrates uniqueness, as the string does not have any other meaning beyond identifying the community described in the application. The Community Priority Evaluation panel should determine that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

Therefore, the Panel should determine that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

Criterion #3: Registration Policies

3-A Eligibility

The Panel should determine that the application meets the criterion for Eligibility as specified in section 4.2.3

(Community Priority Evaluation Criteria) of the AGB, as eligibility is restricted to community members.

The application should receive a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of

¹⁰⁰ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>,
Fielding Period: August 7-11, 2015, Pg. 1,2,3 and Appendix B

¹⁰¹ <http://music.us/expert/letters> and Appendix A

prospective registrants to community members. According to the application:

The TLD will be exclusive to the Community... .MUSIC domains will be validated to belong to Community members, who can only use the domains under Community-focused Policies. This way, Internet users will experience trusted interactions with registrants and be confident that any interaction is with legitimate Community members. (Question 18A)

...Registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership” without discrimination, conflict of interest or “likelihood of material detriment to the rights and legitimate interests” of the Community... (Question 20A)

...Music Community Member Organization (MCMO)... phase... is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (MCMO). Unique registrations will be granted to the sole registrant and delegated at the close of the time period; multiple registration requests for the same string will go through an auction. ...General Availability... phase of registration of .MUSIC domains. .MUSIC registrations will now be available to Music Community members on a first come, first served basis. (Question 20E)

The application therefore demonstrates adherence to the AGB’s requirement by restricting domain registration to entities who are members of the community defined by the application. The Panel should determine that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection

The Panel should determine that the application meets the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application should receive a score of 1 out of 1 point under criterion 3-B: Name Selection.

According to the application:

The Names Selection Policy ensures only music-related names are registered as domains under .MUSIC, with the following restrictions:

- 1) A name of (entire or portion of) the musician, band, company, organization, e.g. the registrants “doing business as” name**
- 2) An acronym representing the registrant**
- 3) A name that recognizes or generally describes the registrant, or**

4) A name related to the mission or activities of the registrant” (Question 20E)

Also, the Name Selection Policy also covers the music Globally Protected Marks List (GPML) and does not allow registrants to register a domain containing an established music brands’ name that would be deemed confusing to Internet users and the Music Community:

Globally Protected Marks List (GPML) will ensure major music brands and established artists, such as RIAA-certified platinum-selling bands, are protected not cybersquatted. These are reserved at all times. (Question 20E)

...Applicants “cannot register a domain containing an established music brand’s name in bad faith that might be deemed confusing to Internet users and the Music Community. (Question 20E)

Therefore, the Panel should determine that the application satisfies the conditions to fulfill the requirements for Name Selection.

3-C Content and Use

The Community Priority Evaluation panel should determine that the application meets the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application should receive a maximum score of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that use of the domain name must be beneficial to the cause and values of the Community:

.MUSIC will effectively differentiate itself by addressing the key online usage issues of safety, trust, consistency, brand recognition as well as communicate site subject-matter: music-related content. The TLD will be exclusive to the Community and will incorporate enhanced safeguards and Use policies to protect creators, intellectual property and rights holders.

Community members need to be able to distinguish themselves from illegal or unlicensed sites. Ensuring monies flow to rightful owners and the Music Community is critical to the .MUSIC Mission.

DotMusic will provide Premium Channels and a Song Registry where the Community and Internet users can network, share information and engage in commerce in a trusted, secure ecosystem – a safe haven for legal music consumption and song licensing ensuring monies

flow to the Community not unlicensed sites.

.MUSIC domains can serve as trusted signals for search engines and used as filters for legal, licensed and safe music sites with relevant, quality content. .MUSIC domains will be validated to belong to Community members, who can only use the domains under Community-focused Policies. This way, Internet users will experience trusted interactions with registrants and be confident that any interaction is with legitimate Community members. (Question 18A)

The application also has Content and Use policies that prohibit the use of parking pages:

PARKING PAGES: DotMusic will prohibit the use of parked pages. .MUSIC sites will be subject to the content and use restrictions described in response to question 18b and question 20e. Parked sites can only be used as temporary pages assigned to a domain at the time of registration and stay in place until the registrant has a website developed and ready to go live in a reasonable time period. (Question 18C iii)

The application also restricts Content and Use to legal music-related activities:

The following use requirements apply:

- **Use only for music-related activities**
- **Comply with applicable laws and regulations and not participate in, facilitate, or further illegal activities**
- **Do not post or submit content that is illegal, threatening, abusive, harassing, defamatory, libelous, deceptive, fraudulent, invasive of another's privacy, or tortious**
- **Respect the intellectual property rights of others by posting or submitting only content that is owned, licensed, or otherwise have the right to post or submit**
- **Immediately notify us if there is a security breach, other member in compliance or illegal activity on .MUSIC sites**
- **Do not register a domain containing an established music brand's name in bad faith that might be deemed confusing to Internet users and the Music Community**
- **Do not use any automated process to access or use the .MUSIC sites or any process, whether automated or manual, to capture data or content from any service for any reason**
- **Do not use any service or any process to damage, disable, impair, or otherwise attack .MUSIC sites or the networks connected to .MUSIC sites (Question 20E)**

The Community Priority Evaluation panel should determine that the application satisfies the condition to fulfill the requirements for Content and Use.

3-D Enforcement

The Panel should determine that the application meets the criterion for Enforcement as specified in

section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application provides specific enforcement measures and outlines coherent and appropriate appeals mechanisms. The application should receive a score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms.

The application commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement (to “immediately notify [DotMusic] if there is a security breach, other member in compliance or illegal activity on .MUSIC sites”) and random compliance checks, with appropriate dispute processes to fix compliance issues under its .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including reasonable time to appeal with the registry to fix compliance issues or appeal with an independent dispute resolution provider, such as the National Arbitration Forum (NAF), which already has a customized DotMusic appeals mechanism in place.¹⁰²

According to the application:

REGISTRY DATA VALIDATION

DotMusic will validate elements of the received WHOIS data as a requirement for domain registration, also providing access to Premium Channels, such as the registrant’s:

- Email address through validation links
- Phone number through validated PIN-codes (Question 18B iv, Question 20E)

COMPLIANCE & ENFORCEMENT

DotMusic will take proactive and reactive measures to enforce its Policies. Proactive measures are taken at the time of registration. Reactive measures are addressed via compliance and enforcement mechanisms and through dispute processes.

Allegation that a domain is not used for legitimate music purposes or otherwise infringes on Policies shall be enforced under the provisions of the .MUSIC Policy & Copyright Infringement Dispute Resolution Process (“MPCIDRP”); described in question 28 response. (Question 18B iv, Question 20E)

The MPCIDRP is not a replacement for alleged violation of the UDRP/URS/PDDRP/RRDRP, which shall be enforced under the provisions contained

¹⁰² 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)

therein. (Question 18B iv, Question 20E)

The DRP's are required in the registrars' registration agreements with registrants. Proceedings must be brought by interested 3rd-parties in accordance with associated policies and procedures to dispute resolution providers. (Question 18B iv)

DotMusic will conduct random compliance checks across all the .MUSIC Policies. Periodically a sample of .MUSIC registrations will be verified for compliance with all established Policies. (Question 18B iv, Question 20E)

If a registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated. (Question 18B iv, Question 20E)

Repeat offenders of Policies will be placed on a special monitoring list that DotMusic will conduct additional compliance checks against. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains for a period of time or indefinitely. (Question 18B iv)

DotMusic will review all policies and processes on a regular basis with involvement from the .MUSIC Advisory Committee and discussed publicly at Community events. (Question 18B iv, Question 20E)

DotMusic will also conduct registrar and registrant surveys based on the level of registrant satisfaction concerning .MUSIC usability and how to improve value proposition. (Question 20E)

[Registrants must] immediately notify [DotMusic] if there is a security breach, other member incompliance or illegal activity on .MUSIC sites. (20E)

The application outlines policies that include specific enforcement measures constituting a coherent set. The Panel should determine that the application satisfies both of the two conditions to fulfill the requirements for Enforcement and therefore scores 1 point.

Criterion #4: Community Endorsement

Support for or opposition to a CPE gTLD application may come by way of an application comment on ICANN's website, attachment to the application, or by correspondence with ICANN.

4-A Support

The Community Priority Evaluation panel should determine that the application fully meets the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the applicant had documented support from the recognized community institution(s)/member organization(s). The application should receive a maximum score of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. “Recognized” means those institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. “Relevance” refers to the communities explicitly and implicitly addressed.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally.¹⁰³ Such unparalleled global Music Community support also represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support¹⁰⁴ from institutions/organizations representing a majority of the Community addressed. Music - as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

The Community Priority Evaluation panel should determine that the applicant was not the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from institutions/organizations representing a majority of the community addressed, and this documentation contained a description of the process and rationale used in arriving at the expression of support. The applicant received support from a broad range of recognized community institutions/member organizations, which represented different segments of the community as defined by the applicant. These entities represent a majority of the overall community. The Community Priority Evaluation Panel should determine that the applicant fully satisfies the requirements for Support.

4-B Opposition

The Community Priority Evaluation panel should determine that the application meets the criterion for

¹⁰³ See <http://music.us/supporters>, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadattachment/142588?r:ac=1392>, Bloomberg BNA at http://music.us/RIAA_Backs_DotMusic.pdf Pg.1, and <http://diffuser.fm/will-dot-music-domains-make-the-internet-better/>

¹⁰⁴ <http://music.us/supporters>

Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received no relevant opposition.

According to ICANN's CPE Guidelines:

To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant.¹⁰⁵

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. A few letters were filed for the purpose of obstruction and therefore are not considered relevant.¹⁰⁶ The application also received letters of opposition, which should be deemed not to be relevant, as they were either from groups of negligible size, or were from entities/communities that do not have an association with the applied for string. As these letters are neither from the recognized community institutions/member organizations, nor were they from communities/entities that have an association with the community they should not be considered relevant.

Accordingly, the Community Priority Evaluation panel should determine that there is no relevant opposition to the application. The Community Priority Evaluation Panel should determine that the applicant satisfies the requirements for Opposition.

Conclusion

For the aforementioned reasons, it is respectfully submitted that the Applicant satisfies all criteria to establish Community and should prevail with a passing grade in CPE.

Transparency and accountability mechanisms, including the quality control requirement of compelling and defensible documentation, forms an integral part of ICANN's decision-making standards. The AGB and CPE Guidelines provide in pertinent part that:

The evaluation process will respect the principles of fairness, transparency, avoiding potential conflicts of interest, and non-discrimination...¹⁰⁷

Consistency of approach in scoring Applications will be of particular importance...¹⁰⁸

¹⁰⁵ ICANN CPE Guidelines, <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>, Pg. 20

¹⁰⁶ The correspondence for .MUSIC includes several letters from DotMusic and letters from entities related to an opposition letter. These entities not only withdrew opposition but supported DotMusic. Furthermore, some are currently on DotMusic's Board (<http://music.us/board>). The sender of the letter also was included in correspondence which disclosed that their organization and many others were encouraged by the applicant's policies.

¹⁰⁷ CPE Guidelines, Pg. 22

¹⁰⁸ CPE Guidelines, Pg. 22

The EIU will work closely with ICANN when questions arise and when additional information may be required to evaluate an application...¹⁰⁹

The EIU will fully cooperate with ICANN's **quality control** process...¹¹⁰

The panel must be able to exercise **consistent** and somewhat subjective judgment in making its evaluations in order to reach conclusions that are compelling and defensible...¹¹¹

The panel must be able to document the way in which it has done so in each case.¹¹²

All EIU evaluators undergo regular training to ensure full understanding of all CPE requirements as listed in the Applicant Guidebook, as well as to ensure **consistent judgment** (CPE Panel Process Document, Pg.2)...

The Panel Firm exercises **consistent judgment** in making its evaluations in order to reach conclusions that are compelling and defensible, and documents the way in which it has done so in each case (CPE Guidelines, Pg.22 and CPE Panel Process Document, Pg. 3).¹¹³

In the case of opposition letters, community applicants must be given the opportunity to provide context and a challenge to any opposition letter if deemed relevant so that the EIU have a complete understanding of the subject-matter and adequately take into consideration both perspectives (just like any fair and equitable proceeding) before reliably determining that the panel has incorporated a "consistent and somewhat subjective judgment in making its evaluations in order to reach conclusions that are compelling and defensible." The EIU "panel must be able to document the way in which it has done so in each case."¹¹⁴

DotMusic's CPE must be evaluated using the **same consistent criteria and precedents** that were established in prior EIU determinations to ensure "**consistency of approach across all applications:**"

"All Applications will subsequently be reviewed by members of the core project team to verify accuracy and compliance with the AGB, and to ensure consistency of approach across all applications."¹¹⁵ (emphasis added)

In the prevailing CPE Determinations for .RADIO, .SPA and .HOTEL, the EIU consistently referred to the community as the "**(industry) community.**" as an acceptable threshold to its "Community

¹⁰⁹ CPE Guidelines, Pg. 22 and Pg.23

¹¹⁰ CPE Guidelines, Pg. 22 and Pg.23

¹¹¹ CPE Guidelines, Pg. 22

¹¹² CPE Guidelines, Pg. 22

¹¹³ CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

¹¹⁴ ICANN CPE Guidelines, Pg. 22

¹¹⁵ CPE Guidelines, Pg. 22

Establishment”, “Nexus” and “Support” criteria:

According to the .RADIO prevailing CPE determination:

In addition, the community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities and individuals that are in the radio industry, and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community. In addition, membership in the (industry) community is sufficiently structured, as the requirements listed in the community definition above show.¹¹⁶

According to the .SPA prevailing CPE determination:

The community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities that are in the spa industry, and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community. In addition, membership in the (industry) community is sufficiently structured, as the requirements listed in the community definition above show. Members of all three of these membership categories recognize themselves as part of the spa community as evidenced, for example, by their inclusion in industry organizations and participation in their events.¹¹⁷

According to the .HOTEL prevailing CPE determination:

This community definition shows a clear and straightforward membership. The community is clearly defined because membership requires entities/associations to fulfill the ISO criterion for what constitutes a hotel. Furthermore, association with the hotel sector can be verified through membership lists, directories and registers. In addition, the community as defined in the application has awareness and recognition among its members. This is because the community is defined in terms of its association with the hotel industry.¹¹⁸

Following the rationale in the aforementioned EIU Determinations, 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

¹¹⁶ <https://www.icann.org/sites/default/files/tlds/radio/radio-cpe-1-1083-39123-en.pdf>, Pg.2

¹¹⁷ <https://www.icann.org/sites/default/files/tlds/spa/spa-cpe-1-1309-81322-en.pdf>, Pg.2

¹¹⁸ <https://www.icann.org/sites/default/files/tlds/hotel/hotel-cpe-1-1032-95136-en.pdf>, Pg.2

music-related organizations to support a music cause. Just like in the CPE application cases of .RADIO, .HOTEL and .SPA, DotMusic is supported by a global "(industry) community," with members that have the requisite awareness and recognition of the community defined.

Furthermore, in the .ECO prevailing CPE Determination it was found that "involvement in...activities" and the "interdependence and active commitment to shared goals" are "indicative of the "cohesion" that the AGB requires in a CPE-eligible community." The .ECO prevailing CPE determination provides in pertinent part that:

...Each individual or entity has a clear, public and demonstrable **involvement in environmental activities**. The **interdependence and active commitment to shared goals** among the various membership types **are indicative of the "cohesion" that the AGB requires in a CPE-eligible community**. The Panel found that entities included in the membership categories defined in the application are shown to cohere in their work towards clearly defined projects and goals that overlap among a wide array of member organizations...Furthermore, businesses that are included in the applicant's defined community have voluntarily opted to subject themselves to evaluation of their compliance with environmental standards that qualify them for the accreditations referenced in the application. As such, the defined community's membership is found to meet the AGB's standard for cohesion, required for an adequately delineated community.¹¹⁹

It follows that DotMusic's community-based application should exceed the minimum threshold for "Community Establishment" because the DotMusic application and purpose follows unified goals which the represented global Music Community addressed subscribes to, such as:

- 1) creating a trusted identifier and safe haven for music consumption by protecting musicians' rights and intellectual property,
- 2) fighting copyright infringement/piracy,
- 3) supporting fair compensation and music education;
- 4) following a multi-stakeholder approach supporting all types of global music constituents without discrimination; and
- 5) governance by relevant organizations with Community members representing over 95% of music consumed globally, including many entities mainly dedicated to the Community. (Mission and Purpose, Q.18 and Q.20)

DotMusic developed its Mission and Registration Policies using feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008, which gave the Community open opportunities to engage (e.g. via events, meetings, social media, ICANN's 2012 public comment period or other correspondence). DotMusic has participated in hundreds

¹¹⁹ <https://www.icann.org/sites/default/files/tlds/eco/eco-cpe-1-912-59314-en.pdf>, Pg.3

of international music/domain events (<http://music.us/events>) and still continues to engage Community members. (See Question 18 and Question 20).

Furthermore, in comparison, DotMusic's community-application has more music-tailored policies and enhanced safeguards aligned with DotMusic's community-based purpose to serve the interests of the global music community than all .MUSIC applicants combined. (See .MUSIC Applicant Comparison Chart, Appendix C)

Therefore, it is respectfully submitted that the Applicant satisfies all criteria to establish Community and should prevail with a passing grade in CPE.

References

Review the DotMusic Limited application for .MUSIC with ID 1-1115-14110:

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

Public Portion of the DotMusic Limited application: <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>

DotMusic Limited support letters for 20f: <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392> and <http://music.us/supporters>

DotMusic Limited Public Interest Commitments (PIC): <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Independent Expert Letters: <http://music.us/expert/letters> and Appendix A

Independent Nielsen / Harris Poll: <http://music.us/nielsen-harris-poll.pdf> and Appendix B

CPE Guidelines: <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>

DotMusic website: <http://music.us>

National Arbitration Forum website: <http://www.adrforum.com/RegistrySpec>

Disclaimer:

The Community Establishment, Nexus and Community Endorsement Analysis (CPE Criterion #1, #2 and #4) is based on Expert Testimonies by over 40 Experts and Ph.Ds (See <http://www.music.us/expert/letters> to download Expert Letters and to review Experts' qualifications and Appendix A). The Experts have provided independent, unbiased and objective testimony. The Experts have not been compensated or paid by DotMusic Limited for their testimonies nor have the Experts supported any New gTLD string or are shareholders in any application.

Appendix A: Expert Testimonies

Below are testimonies from **43 experts**, including **33 Ph.Ds** that provide **compelling evidence** and **“conclusions that are compelling and defensible”**¹²⁰ that conclude beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC **exceeds** all the CPE criteria and **should prevail CPE**

- 1) [Music Expert Letter Dr Argiro Vatakis.pdf](#)
- 2) [Music Expert Letter Dr Askin Noah.pdf](#)
- 3) [Music Expert Letter Dr Brian E Corner.pdf](#)
- 4) [Music Expert Letter Dr Chauntelle Tibbals.pdf](#)
- 5) [Music Expert Letter Dr Daniel James Wolf.pdf](#)
- 6) [Music Expert Letter Dr David Michael Ramirez II.pdf](#)
- 7) [Music Expert Letter Dr Deborah L Vietze.pdf](#)
- 8) [Music Expert Letter Dr Dimitrios Vatakis.pdf](#)
- 9) [Music Expert Letter Dr Dimitris Constantinou.pdf](#)
- 10) [Music Expert Letter Dr Eric Vogt.pdf](#)
- 11) [Music Expert Letter Dr Graham Sewell.pdf](#)
- 12) [Music Expert Letter Dr Jeremy Silver.pdf](#)
- 13) [Music Expert Letter Dr Joeri Mol.pdf](#)
- 14) [Music Expert Letter Dr John Snyder.pdf](#)
- 15) [Music Expert Letter Dr Jordi Bonada Sanjaume.pdf](#)
- 16) [Music Expert Letter Dr Jordi Janer.pdf](#)
- 17) [Music Expert Letter Dr Juan Diego Diaz.pdf](#)
- 18) [Music Expert Letter Dr Juliane Jones.pdf](#)
- 19) [Music Expert Letter Dr Kathryn Fitzgerald.pdf](#)
- 20) [Music Expert Letter Dr Lisa Overholser.pdf](#)
- 21) [Music Expert Letter Dr Luis-Manuel Garcia.pdf](#)
- 22) [Music Expert Letter Dr Manthos Kazantzides.pdf](#)
- 23) [Music Expert Letter Dr Michael Mauskopf.pdf](#)
- 24) [Music Expert Letter Dr Mike Alleyne.pdf](#)
- 25) [Music Expert Letter Dr Nathan Hesselink.pdf](#)
- 26) [Music Expert Letter Dr Paul McMahon.pdf](#)
- 27) [Music Expert Letter Dr Rachel Resop.pdf](#)
- 28) [Music Expert Letter Dr Shain Shapiro.pdf](#)
- 29) [Music Expert Letter Dr Sharon Chanley.pdf](#)
- 30) [Music Expert Letter Dr Tom ter Bogt.pdf](#)
- 31) [Music Expert Letter Dr Vassilis Varvaresos.pdf](#)
- 32) [Music Expert Letter Dr Wendy Tilton.pdf](#)
- 33) [Music Expert Letter Dr Wilfred Dolfma.pdf](#)
- 34) [Music Expert Letter JD Matthew Covey Esq.pdf](#)
- 35) [Music Expert Letter Jonathan Segal MM.pdf](#)
- 36) [Music Expert Letter Lecturer David Loscos.pdf](#)
- 37) [Music Expert Letter Lecturer David Lowery.pdf](#)
- 38) [Music Expert Letter Lecturer Dean Pierides.pdf](#)
- 39) [Music Expert Letter Professor Andrew Dubber.pdf](#)
- 40) [Music Expert Letter Professor Author Bobby Borg.pdf](#)
- 41) [Music Expert Letter Professor Heidy Vaquerano Esq.pdf](#)
- 42) [Music Expert Letter Professor Jeffrey Weber Esq.pdf](#)

¹²⁰ CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

43) [Music Expert Letter Stella Black MM.pdf](#)

Expert Letter Link: <http://music.us/expert/letters>

Appendix B: Independent Nielsen/Harris Poll

To address the DotMusic Application’s “Community Establishment,” “Community Definition” and “Nexus,” an independent survey was conducted within the United States from August 7-11, 2015 among 2,084 adults ages 18 and older, by Harris Poll¹²¹ on behalf of DotMusic Limited. Figures for age, sex, race/ethnicity, education, region and household income were weighted where necessary to bring them into line with their actual proportions in the population. The data was weighted to reflect the composition of the adult population. The independent polling organization Nielsen/Harris Poll addressed whether the applied-for string was commonly-known (i.e. known by most people¹²²) and associated with the identification of the community defined by DotMusic by asking the question:

If you saw a website domain that ended in “.music” (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)?¹²³

Most people, 1562 out of 2084 (i.e. 3 in 4 or 75% of the respondents) responded “Yes,”¹²⁴ which is aligned with the “Nexus” Criterion 2A requirements that the applied for-string is “commonly-known” as the identification of the community addressed by the application.

Furthermore, a majority agreed that DotMusic’s associated definition of the community addressed that matches the string (i.e. a logical alliance of communities of individuals, organizations and business that relate to music) is representative and accurate.

¹²¹ <http://www.harrisinteractive.com/Products/HarrisPollQuickQuery.aspx>

¹²² <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

¹²³ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>,
Fielding Period: August 7-11, 2015, Pg. 1,2,3 and Appendix B

¹²⁴ Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>,
Fielding Period: August 7-11, 2015, Pg. 1,2,3 and Appendix B

Q3505 If you saw a website domain that ended in ".music" (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)?

11 Aug 2015
 Table 1

Base: All Respondents

	Region					Age					Male Age					Female Age						
	Total	North-east	South	Mid-west	West	18-34	35-44	45-54	55-64	65+	Total	18-34	35-44	45-54	55-64	65+	Total	18-34	35-44	45-54	55-64	65+
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)
Unweighted Base	2084	478	656	561	389	551	290	379	389	475	888	203	119	141	191	234	1196	348	171	238	198	241
Weighted Base	2084	437	705	449	493	634	311	386	358	395	999	322	147*	162*	194	175	1085	311	165	225	165	220
Yes	1562 75%	323 74%	509 72%	345 77%	388 78% c	465 73%	251 81% h	280 72%	277 71%	290 73%	737 74%	234 73%	114 78%	114 70%	151 78%	124 71%	826 76%	231 74%	137 83% i	166 74%	126 77%	166 76%
No	522 25%	113 26%	198 28% e	105 23%	107 22%	168 27% g	60 19%	107 28% g	81 23%	105 27% g	263 26%	88 27%	32 22%	48 30%	43 22%	51 29%	259 24%	80 26% s	27 17%	59 26% s	39 23%	54 24%
Sigma	2084 100%	437 100%	705 100%	449 100%	493 100%	634 100%	311 100%	386 100%	358 100%	395 100%	999 100%	322 100%	147 100%	162 100%	194 100%	175 100%	1085 100%	311 100%	165 100%	225 100%	165 100%	220 100%

Proportions/Mean: Columns Tested (5%, 10% risk level) - B/C/D/E - F/G/H/I/J - K/Q - L/M/N/O/P - R/S/T/U/V - L/R - M/S - N/T - O/U - P/V
 Overlap formulae used. * small base

Q3505 If you saw a website domain that ended in ".music" (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)?

11 Aug 2015
 Table 2

Base: All Respondents

	Income				Education			Employment Status				Children in HH		Parent of Child Under 18 in HH		Home Ownership		Marital Status		
	Total	Less Than \$50K	\$50K-\$74.9K	\$75K-\$99.9K	\$100K+	H.S. or Less	Some Col.	Col. Grad+	Total Emp.	Total Unemp.	Student	Retired	Yes	No	Yes	No	Homeowner	Renter	Marr-ied	Not Married
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)
Unweighted Base	2084	932	393	231	335	678	666	740	990	1094	132	543	597	1487	521	1563	1301	721	1071	1013
Weighted Base	2084	771	347	256	515	866	600	618	1039	1045	182*	474	670	1414	552	1532	1306	729	1067	1017
Yes	1562 75%	563 73%	262 75%	205 80% b	424 82% Bc	620 72%	457 76%	485 78% F	789 76%	773 74%	139 77%	346 73%	495 74%	1067 75%	424 77%	1138 74%	1000 77%	537 74%	827 77% T	735 72%
No	522 25%	208 27% D	85 25% e	50 20%	91 18% H	246 28%	143 24%	133 22%	249 24%	272 26%	43 23%	128 27%	175 26%	347 25%	128 23%	384 26%	306 23%	192 26%	240 23% S	281 28%
Sigma	2084 100%	771 100%	347 100%	256 100%	515 100%	866 100%	600 100%	618 100%	1039 100%	1045 100%	182 100%	474 100%	670 100%	1414 100%	552 100%	1532 100%	1306 100%	729 100%	1067 100%	1017 100%

Proportions/Means: Columns Tested (5%, 10% risk level) - B/C/D/E - F/G/H - I/J/K/L - M/N - O/P - Q/R - S/T
 Overlap formulae used. * small base

11 August 2015
QuickQuery
Fielding Period: August 7-11, 2015
Do!Music Limited
Weighted To The U.S. General Adult Population - Propensity

Page Table Title

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|---|---|--|
| 1 | 1 | Q3505 If you saw a website domain that ended in ".music" (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)? |
| 2 | 2 | Q3505 If you saw a website domain that ended in ".music" (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)? |

Appendix C: .MUSIC Applicant Comparison Chart

.MUSIC Applicant Comparison Chart: DotMusic Limited vs. Other .MUSIC Applicants

	DotMusic Limited	.music LLC	Amazon S.a.r.l	Charleston Road	dot Music Limited	Victor Cross	Entertainment Names	Dotmusic Inc
"Also Known As"	.MUSIC™	Far Further	Amazon	Google	Famous Four Media	Donuts/Rightside	Minds and Machines	Radix
Application ID	1-1115-14110	1-959-51046	1-1316-18029	1-1680-18593	1-1175-68062	1-1571-12951	1-994-99764	1-1058-25065
Total Top-Level Domain Applications Filed	1	1	76 (Portfolio)	101 (Portfolio)	60 (Portfolio)	307 (Portfolio)	71 (Portfolio)	31 (Portfolio)
Type of Application	Community (Restricted)	Community (Restricted)	Standard (Closed)	Standard (Open)	Standard (Open)	Standard (Open)	Standard (Open)	Standard (Open)
Policy Advisory Board & Multi-Stakeholder Governance	Yes.	Yes. Board still pending.	No	No	Limited Board	No	No	No
Community Member Organization Resellers/Partners	Yes	Yes	No	No	No	No	No	No
Music Organization Accreditation Requirements	Yes. Eligible organizations get priority in MCMO Phase(1)	No. Invite-only.	No	No	No	No	No	No
Who Can Register (Eligibility)	Entire global Music Community	Only those belonging to 42 organizations	No	No	No	No	No	No
Phone & Email Two-Step Authentication	Yes	No	No	No	No	No	No	No
Protect Famous Music Artist/Brand Names	Music Globally Protected Marks List (GPML)	No	No	No	No	No	No	No
Domain Naming Conditions	Yes. 1. Entity name (or portion of); or	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
	2. Doing Business As; or	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
	3. Acronym (AKA); or	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
	4. Name recognizing entity; or	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open

	5. Name describing entity	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
Use:								
Only Legal Music Activities	Yes. Only legal music activities allowed	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
Only Music-Related Activity Usage	Yes. Only music usage allowed	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
Prohibits registering of domain								
with established artist's/brand's name	Yes	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
Content:								
Only Music-Related Content	Yes. Only music content allowed	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
Quality Content Control (Parking Pages)	Yes. Parking pages are not allowed	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open	No. Open
Policy, IP & Copyright Infringement Enforcement	Extensive enforcement measures constituting a coherent set	No. General	No. General	No. General	No. General	No. General	No. General	No. General
Enforcement & Appeals Mechanisms	Appropriate appeals mechanisms	No. General	No. General	No. General	No. General	No. General	No. General	No. General
Independent Dispute Resolution Provider	Yes. National Arbitration Forum (NAF)	None specified	None	None	None	None	None	None
Music-Focused Registration Policy Dispute Resolution	MPCIDRP	Partial. Only for Eligibility (MEDRP)	No	No	No	No	No	No
Music-tailored Copyright Protection Provisions	Extensive enhanced safeguards and copyright provisions (2)	No. General.	No. General.	No. General.	No. General.	No. General.	No. General.	No. General.
Community Definition	Organized & delineated logical alliance of music communities	Segments from 42 organizations	Open	Open	Open	Open	Open	Open
Community Support	Majority. Coalition represents over 95% of global music consumed	Minority. Only 4 million members.	Open	Open	Open	Open	Open	Open
Community Objection	There has been no Community Objection or relevant opposition (3)	Objection.	Objection.	Objection.	Objection.	Objection.	Objection.	Objection.

Music-Tailored Public Interest Commitments (PIC)	Public Interest Commitments with Clarifications (4)	No	No	No	No	No	No	No
.music Community TLD Support Petition	1.5+ million signed petition	No	No	No	No	No	No	No
Public Community Outreach Campaign	200+ public events (2008-Present)	Negligible	No	No	No	No	No	No
.music-focused Social Media Engagement	Extensive. 5+ million across all media	Negligible	No	No	No	No	No	No
Trademark for .MUSIC™	Yes. Over 40 countries/regions	No	No	No	No	No	1 country	No
Community Premium Channels	Yes. Sorted by Type, Genre, Language, Geography, Keyword (5)	No	No	No	No	No	No	No
Global Legal Song Licensing Registry based on DNS	Yes	No	No	No	No	No	No	No

(1) DotMusic gives priority to members of Music Organizations during MCMO Phase. During General Availability all Community members (including non-MCMO members) can register a .MUSIC domain.

(2) DotMusic has more enhanced safeguards than all .MUSIC applicants combined. DotMusic has incorporated all IFPI/RIAA IP protection provisions that include stopping domain hopping, takedown policies, authorizations, permanent blocks, privacy/proxy, true name/address and trusted sender complaint policies.

(3) DotMusic addressed all concerns/comments raised by the Music Community and filed the PIC which clarifies how the Application serves the Community and the public interest. According to the ICANN New gTLD Program Applicant Guidebook: "To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant." (Community Priority Evaluation Guidelines, P.20)

(4) By filing these Public Interest Commitments with ICANN, DotMusic commits to serve the Music Community and Public Interest as clarified and may be held accountable via the PICDRP.

(5) The Premium Channels available to all validated community members are sorted/delineated according to NAICS community type (Musician/Band/Professional/Company), Genre (e.g. www.Rock.music), Language (e.g. French.music), Geography (e.g London.music / France.music) and Keywords (e.g Lyrics.music).