



American Association
of Independent Music

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Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Akram Attallah, ICANN President of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, ICANN Chair of the New gTLD Committee;
Thomas Schneider, ICANN Chair of Government Advisory Committee;
John Jeffrey, ICANN Legal Counsel

Re: .MUSIC CPE, Enhanced Safeguards for Music-Themed gTLDs and ICANN Compliance

Dear ICANN:

Please accept this letter on behalf of global independent music community entities that constitute the substantial majority of the global Independent music label community as represented by the following music organizations and their members:

The Association of Independent Music (“[AIM](#)”) based in the United Kingdom;
The American Association of Independent Music (“[A2IM](#)”) based in the U.S;
The Independent Music Companies Association (“[IMPALA](#)”) based in Brussels representing 4,000 members in 20 countries in the European Community;
The Merlin Network (“[Merlin](#)”), a global rights agency for the independent sector based in the Netherlands, representing over 20,000 music labels in 39 countries; and
The Worldwide Independent Music Network (“[WIN](#)”) based in the U.K. and representing the Independent music label community trade organizations in over 25 countries.

We confirm our support for the only remaining .MUSIC community applicant that will soon be evaluated by the EIU under Community Priority Evaluation (CPE). We reiterate our position -- that was also expressed as signers on the global music community coalition letter¹ sent by Victoria Shekler to ICANN on March 5th, 2015 -- that “we expect...the community application process...to have meaning and for the community preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind” and for ICANN “to expeditiously implement appropriate changes to address [our concerns].” As we have noted in previous correspondence with ICANN,² we have concerns about the potential lack of enhanced safeguards for music-themed gTLDs in ICANN’s new gTLD Program. Such safeguards are critical to serve the global public interest, consumers and to ensure that the Domain Name System is safe, trusted and secure to facilitate legitimate music creation, access, and distribution. Our expectation is that ICANN will incorporate appropriate and responsible enhanced safeguards to deter copyright infringement and protect the interests of the global music community.

We were pleased with the provisions contained in ICANN’s new gTLD registry agreement and the 2013 Registrar Accreditation Agreement (RAA) to deter copyright abuse, including Public Interest Commitments for registries and obligations for registrars to investigate and respond to copyright abuse complaints. We are also pleased to see that the remaining community applicant for .MUSIC has incorporated enhanced safeguards

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

² <https://www.icann.org/en/system/files/correspondence/bengloff-to-chehade-et-al-20aug14-en.pdf>

and provisions to protect intellectual property, prevent cybersquatting and thwart copyright infringement, such as:

- Policies to stop domain hopping, takedown policies in the case of piracy, authorization provisions, permanent blocks, privacy/proxy provision, true name/address mandates and trusted sender complaint policies amongst others;
- Registrant validation through a mandatory two-step phone and email authentication process;
- The protection of names of famous music artists and brands by giving registration priority to those entities during a priority-based launch phases;
- Domain naming conditions that eliminate cybersquatting and trademark infringement. Registrants are only allowed to register their name, acronym or “Doing Business As;”
- A Content and Use Policy only allows legal music content and legal music usage; and Take down of domains found to be infringing on any enhanced safeguard policies
- Adopting a multi-stakeholder community governance model to serve the interests of the global music community.

We have been disappointed with the first CPE process and result for .MUSIC which did not prevail. We have reviewed all CPE determinations and do not understand how there can be such a significant difference between the analysis of various prevailing community applications (such as the .ECO, .HOTEL and .RADIO) and the one of .MUSIC that did not prevail, despite incorporating several measures to prevent copyright infringement.

Also we have been disappointed with ICANN’s treatment of copyright abuse complaints that have been filed to date. We further do not see how it is an appropriate response from a registrar to inform a complainant that it has investigated and responded appropriately and responsibly to a copyright abuse complaint by merely stating that it does not provide non-registrar related services to the domain name that the complaint was filed against. These developments also raise serious concerns on how inadequately the new gTLD Program addresses copyright abuse complaints as new gTLDs begin to proliferate, including but not limited to .MUSIC.

As members of the ICANN community, we strongly support and hope that the remaining .MUSIC community application prevails during CPE to be able to serve the legitimate interests of the global music community and global public interest, since the applicant has appropriate safeguards and measures to counter copyright infringement and address abuse. We also reiterate that we hope that provisions in all ICANN contracts concerning abuse will be followed with full compliance. All contractual standards must be interpreted appropriately, diligently and responsibly. We expect this to occur to serve the global public interest and to protect consumers. The new gTLD Program thus far has not fully met its standards to ensure a safe, secure and trusted Internet ecosystem and needs to fulfill such reasonable expectations.

We strongly urge ICANN to take all of these concerns seriously and to diligently implement appropriate controls and measures to address them responsibly. ICANN’s accountability is at stake to serve the global public interest, to protect consumers, their legal rights and their right to expression. Please do not hesitate to contact us if you have any clarifying questions. We are also open to meeting to discuss how we can incorporate best practices to address these issues.

Regards,



Rich Bengloff
President
American Association of Independent Music

On behalf of: AIM, A2IM, IMPALA, MERLIN and WIN