

9/24/2014

Dear ICANN,

Attached please find a Letter of Opposition to DotMusic Limited application 1-1115-14110 for .MUSIC.

Please post the letter to your Correspondence page.

Thank you.

Rick Carnes

President,

Songwriters Guild of America

[www.songwritersguild.com](http://www.songwritersguild.com)

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To: Internet Corporation for Assigned Names and Numbers  
Steve Crocker, Chairman of the Board ([steve.crocker@icann.org](mailto:steve.crocker@icann.org))  
Fadi Chehadé, President and CEO ([fadi.chehade@icann.org](mailto:fadi.chehade@icann.org))  
Akram Atallah, President, Global Domains Division ([akram.atallah@icann.org](mailto:akram.atallah@icann.org))  
Re: New gTLD application 1-1115-14110 (DotMusic Limited)

24 September 2014

Dear ICANN:

To safeguard the creative rights and values that are shared by everyone in the Music community, we are writing to voice our opposition to the eligibility policies and the business tactics of an applicant for the new gTLD .MUSIC – DotMusic Limited (formerly CGR E-Commerce).

The Music community -- which includes songwriters, artists, musicians and organizations that actively participate in the creation and development of music, its advocacy and promotion, its professional support, the protection and preservation of its creative and intellectual property rights, as well as the nurturing of the art through music education -- has witnessed a seismic shift in the way music is distributed and consumed.

Given the impact the .MUSIC string will have on the Music community, it is critically important for it to be operated by and for members of the community. In previous correspondence<sup>1</sup> the Music community described the comprehensive RFI process that was undertaken in 2011 to evaluate potential applicants for the .MUSIC gTLD.

Upon the completion of this process the applicant that was selected was Far Further/.music LLC. They are trusted members of the community and their application best represented the interests, goals and concerns of the Music community.

DotMusic Limited, led by Constantine Roussos, was one of the entities that sought endorsement and participated in the evaluation process. Despite not being selected, DotMusic Limited nonetheless submitted a “community” application for .MUSIC.

We are opposed to the DotMusic Limited application for several reasons. First and foremost, we strongly believe that .MUSIC registrations should be restricted to members of the Music community, as defined in .music LLC’s application.<sup>2</sup> The DotMusic Limited application uses a “broad Music Community definition,” one that is

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<sup>1</sup> <https://www.icann.org/en/system/files/correspondence/hatton-to-icann-02jul14-en.pdf>

<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1659> (see application 1-959-51046, Q20(a))

“all inclusive.” In fact, from its description of the community,<sup>3</sup> it is impossible to determine who is a member of the community and who is not.

In effect, DotMusic Limited proposes that anyone can apply to register if they have a “music-related” name and use the name for legal “music-related” purposes. Plainly speaking, this is not a community application because the community, as defined, includes almost everyone in the world. This equates to an “open” application, which we believe is harmful to the community and unwise as it would permit applicants with no connection to the Music community to apply for and start using second-level names under .MUSIC. This circumvention of the fundamental rationale for a community-based application opens the door to abuse of the creative community’s intellectual property rights and is unacceptable.

Regarding business tactics, DotMusic Limited has aggressively attacked Far Further’s application, repeatedly misrepresenting it in formal objections, Requests for Reconsideration, public comments and official correspondence to ICANN. For example, it routinely characterizes .music LLC’s application as “exclusive access” when it clearly is not. In its denial of DotMusic Limited’s most recent Request for Reconsideration, ICANN’s Board Governance Committee made it clear that DotMusic Limited’s “exclusive access” assertion is incorrect:

The Requester appears to argue that the .music LLC .MUSIC Application does in fact indicate that .music LLC intends to operate its applied-for string as an exclusive access registry. (Request, § 6, Pgs. 9-10.) In fact, the .music LLC .MUSIC Application indicates that the registry will be open to all those who are “members of or affiliated with at least one Member Organization of the Global Music Community.”<sup>4</sup>

In 2013, DotMusic Limited filed Legal Rights Objections with WIPO and Community Objections with the ICC against all of the .MUSIC applicants, including Far Further. All of the objections failed, indicating their specious nature. Defending them was a waste of resources, distracting and detrimental to our efforts to establish a community-based TLD for .MUSIC.

Given that the overwhelming majority of the Music community supports the Far Further/.music LLC application, it is difficult for us to characterize DotMusic Limited’s actions as anything less than openly hostile not only to Far Further but also to our community and its shared values.

For the reasons outlined above, the undersigned organizations oppose application 1-1115-14110 filed by DotMusic Limited/CGR E-Commerce.

Thank you for this opportunity to share our views.

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<sup>3</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392> (see application 1-1115-14110, Q20(a))

<sup>4</sup> <https://www.icann.org/en/system/files/files/determination-dotmusic-24jul14-en.pdf> (footnote 12)

Yours sincerely,

American Society of Composers, Authors and Publishers (ASCAP)

Australasian Mechanical Copyright Owners Society (AMCOS)

Australasian Performing Right Association (APRA)

Harry Fox Agency (HFA)

International Confederation of Authors and Composers Societies (CISAC)

International Confederation of Music Publishers (ICMP)

International Council of Music Authors (CIAM)

European Composer and Songwriter Alliance (ECSA)

Alliance of Latin American Creators of Music (ALCAM)

Pan-African Composer and Songwriter Alliance (PACSA)

International Federation of Musicians (FIM)

Music Creators of North America (MCNA)

The Songwriters Guild of America

The Songwriters Guild Foundation

Songwriters Association of Canada

Screen Composers Guild of Canada

Société professionnelle des auteurs et des compositeurs du Québec

Society of Composers and Lyricists

Music Producers Guild (UK)

Nashville Songwriters Association International (NSAI)

National Music Publishers Association (NMPA)

SESAC

American Society of Composers, Authors and Publishers (ASCAP)

[www.ascap.com](http://www.ascap.com)

The American Society of Composers, Authors and Publishers (ASCAP) is a membership association of more than 500,000 US composers, songwriters, lyricists and music publishers of every kind of music. Through agreements with affiliated international societies, we also represent hundreds of thousands of music creators worldwide.

We protect the rights of ASCAP members by licensing and distributing royalties for the non-dramatic public performances of their copyrighted works. Our licensees encompass all who want to perform copyrighted music publicly. We make giving and obtaining permission to perform music simple for both creators and music users.

We're also committed to nurturing music makers throughout their careers. Who Is ASCAP? We are our members — creative people who write the music and lyrics that enrich lives in every corner of the world.

Australasian Mechanical Copyright Owners Society (AMCOS)

[www.apraamcos.com.au](http://www.apraamcos.com.au)

The Australasian Mechanical Copyright Owners Society collects and distributes mechanical royalties for the reproduction of its 10,900+ members' musical works for many different purposes. These include the manufacture of CDs, music videos and DVDs, digital downloads and the sale of mobile phone ringtones, the use of production music and the making of radio and television programmes. AMCOS represents virtually all music publishers in Australia and New Zealand.

Australasian Performing Right Association (APRA)

[www.apraamcos.com.au](http://www.apraamcos.com.au)

Australasian Performing Right Association is a performing right collection society established in 1926 to administer the public performance and communication rights (often referred to collectively as performing rights) of its songwriter, composer and music publisher members. APRA represents over 73,000 music creators, composers, songwriters and music publishers in Australia and New Zealand alone. In addition to representing the interests of its Australasian members, APRA represents the vast majority of the world's music creators through its reciprocal agreements with similar performing right societies throughout the world.

Harry Fox Agency (HFA)

[www.harryfox.com](http://www.harryfox.com)

The Harry Fox Agency was established in 1927 by the National Music Publisher's Association to act as an information source, clearinghouse and monitoring service for licensing musical copyrights. Since its founding, HFA has provided efficient and convenient services for publishers, licensees, and a broad spectrum of music users.

HFA is the premier music publisher agent for mechanical licensing in the United States. A mechanical license grants the rights to reproduce and distribute copyrighted musical

compositions (songs), including uses on CDs, records, tapes, and certain digital configurations. By affiliating with HFA, publishers have access to a range of licensing, collection, distribution, royalty compliance and legal services to assist them in administrating their catalog.

#### International Confederation of Authors and Composers Societies (CISAC)

[www.cisac.org](http://www.cisac.org)

CISAC works towards increased recognition and protection of creators' rights. CISAC was founded in 1926 and is a non-governmental, non-profit organization. Its headquarters are in Paris, with regional offices in Europe, Asia-Pacific and South America, as well as in Africa.

CISAC numbers 232 authors' societies from 121 countries and indirectly represents around 3 million creators and music publishers within all the artistic repertoires: music, drama, literature, audio-visual, graphic and visual arts.

CISAC's main activities and member services aim to: strengthen and develop the international network of copyright societies; secure a position for creators and their collective management organizations in the international scene; adopt and implement quality and technical efficiency criteria to increase copyright societies' interoperability; support societies' strategic development in each region and in each repertoire; retain a central database allowing societies to exchange information efficiently; and participate in improving national and international copyright laws and practices.

#### International Confederation of Music Publishers (ICMP)

[www.icmp-ciem.org](http://www.icmp-ciem.org)

ICMP is the world trade association representing the interests of the music publishing community internationally. Our mission is to protect and promote copyright and to represent industry positions at international, regional and local levels. ICMP's members include national, regional and international music publishing associations from Europe, Middle-East, North and South America and Asia-Pacific, and the four major multinational music publishing companies.

#### International Council of Music Authors (CIAM)

[ciamcreators.org](http://ciamcreators.org)

Created in 1966, the essential mission of CIAM is to unify the voice of music creators of all repertoires and to be the worldwide umbrella organisation for composers and creators of music. Within this are three core objectives:

1. Coordinate and represent the voice of music creators at worldwide level
2. Identify common interests, exchange information and provide training when needed
3. Promote effective protection and efficient management of copyright to encourage artist creativity and contribution

#### The European Composer and Songwriter Alliance (ECSA)

[www.composeralliance.org](http://www.composeralliance.org)

ECSCA represents over 23,000 professional composers and songwriters in 22 European countries. With 43 member organisations all across Europe, the Alliance represents the interests of music writers of art & classical music, film & audiovisual music and popular music. ECSCA's principle mission is to defend and promote the rights of music writers at a European and international level by legal means and to also advocate for equitable commercial conditions for composers and songwriters. With the ultimate aim being to improve the social and economic conditions of music writers in Europe, ECSCA acts as a focal point and pacesetter for EU and international institutions.

#### The Pan-African Composers and Songwriters Alliance (PACSA)

#### The Alliance of Latin American Creators of Music (ALCAM)

[www.alcamusica.com](http://www.alcamusica.com)

ALCAM is a Latin American alliance of authors and composers of music intended to encourage and promote the legitimate moral law and equity for any artist's work and to promote fair remuneration for their works by recognizing the value of music creators in the community to which they belong.

#### International Federation of Musicians (FIM)

[www.fim-musicians.org](http://www.fim-musicians.org)

The International Federation of Musicians, founded in 1948, is the international organization for musicians' unions, guilds and professional associations and is now counting about 65 member organisations in 57 countries throughout the world.

FIM has created three regional groups, for Africa (FAC, the FIM African Committee), for Latin America (GLM, Grupo Latinoamericano de Músicos) and for Europe (the European group of FIM).

The Federation's main objective is to protect and further the economic, social and artistic interests of musicians represented by its member unions.

#### Music Creators of North America (MCNA)

[www.musiccreatorsalliance.com](http://www.musiccreatorsalliance.com)

The purpose of Music Creators North America (MCNA) is to provide a voice for music creators in the on going discussions that will reshape national and international copyright law and policy. In addition, we wish to draw attention to the issues that matter, not only to us, but also to all those who love music and hope for a fair and vibrant marketplace for this essential cultural and economic endeavor.

#### The Songwriters Guild of America

[www.songwritersguild.com](http://www.songwritersguild.com)

Since the enactment of the Copyright Act, the SGA has continued to take a stand on every issue of importance to songwriters and the music industry in general, including home taping, source licensing, derivative rights, author's moral rights, the deductibility of business expenses, compulsory license, copyright registration fees and, most recently, infringement of royalty payment due to digital/Internet piracy. Its president and board members spend considerable time and energy talking to the

media, lobbying, negotiating and coordinating with other industry groups, and raising the funds needed to get the songwriter's message through.

True to its history, the Guild maintains its efforts to advance, promote and benefit the profession of songwriting.

#### The Songwriters Guild Foundation

[www.songwritersguildfoundation.com](http://www.songwritersguildfoundation.com)

Our mission is to educate inspire and assist music creators and copyright owners and to preserve and demonstrate the value of songs and musical creativity to the greater community as a source of culture education and quality of life.

#### Songwriters Association of Canada

[www.songwriters.ca](http://www.songwriters.ca)

The Songwriters Association of Canada is a friendly community of songwriters here to support each other in the creative journey. We also advocate on behalf of songwriters to protect the value of our work.

The Songwriters Association of Canada exists to nurture, develop and protect the creative, business, and legal interests of music creators in Canada and around the world.

#### Screen Composers Guild of Canada

[www.screencomposers.ca](http://www.screencomposers.ca)

The Screen Composers Guild of Canada is a national, not-for-profit, professional trade association of music composers and producers of music for audio visual productions that are viewed on screens in cinemas, on television, on computer monitors, in video games, and on mobile pads and phones.

The Screen Composers Guild of Canada aims to:

- a) Promote the music, status and rights of film, television and media composers in Canada
- b) Improve the status of screen music composers through promotion, education and advocacy;
- c) Improve the quality of Canadian screen music through professional development of its members; and,
- d) Represent the rights and interests of our members with industrial organizations, governments, and consumers of audio-visual content.
- e) Collaborate with creator collectives and industry associations to develop and maintain professional standards, protect composers' rights, and promote the interests of Canadian screen composers.

#### Société professionnelle des auteurs et des compositeurs du Québec

[www.spacq.qc.ca/fr](http://www.spacq.qc.ca/fr)



The professional Society of Authors and Composers of Quebec is an association which represents the moral interests, economic and professional song writers francophones across Canada and to all composers of music in Quebec. It now comprises more than 700 members who benefit from daily of the many services offered by our society. The SPACQ main mission is to study, promote, protect and develop in all ways the economic, social and professional interests of its members. The SPACQ subscribes to the Universal Declaration of Human Rights as well as the ideals expressed in the Quebec and Canadian charters of rights and freedoms of the person. The SPACQ is autonomous and independent.

#### Society of Composers and Lyricists

[thescl.com](http://thescl.com)

The Society of Composers & Lyricists is committed to advancing the interests of the film and television music community. Toward this end, the **SCL**:

- Disseminates information concerning the creative and business aspects of writing music and lyrics for film and television;
- Presents educational seminars to provide the **SCL** membership with the latest technological information affecting our industry;
- Seeks to enhance the workplace and working conditions in order to maintain the highest level of quality in our crafts;
- Encourages a sense of community and the sharing of experience and knowledge among our membership and related organizations worldwide;
- Provides opportunities for dialog and the exchange of information between our membership and filmmakers;
- Establishes forums where issues confronting the film music industry can be openly examined and debated.

The creation of scores and songs for motion pictures, television, and other media involves unique skills and presents special challenges. The **SCL** assumes a central role in helping composers and lyricists achieve their full career potential in a demanding and ever-changing field.

#### Music Producers' Guild (MPG) UK/EU

[www.mpg.org.uk](http://www.mpg.org.uk)

The Music Producers Guild, conceived and supported by producers and engineers and is also the founding sister organisation of the P&E Wing USA, who are both passionate about all aspects of creating and recording music. We provide a professional community to share our collective experiences and collaborate and lobby for professional interests. Our Membership consists of all working producers, engineers, mixers, re-mixers, programmers, sound designers, mastering engineers, students and enthusiasts working in the field and sectors of professional audio and content delivery and all aspects of the creation of music and audio.

#### Nashville Songwriters Association International (NSAI)

[nashvillesongwriters.com](http://nashvillesongwriters.com)

The Nashville Songwriters Association International (NSAI) is the world's largest not-for-profit songwriters trade association. Established in 1967, the membership of more than 5,000 active and pro members spans the United States and six other countries. NSAI is dedicated to protecting the rights of and serving aspiring and professional songwriters in all genres of music.

## National Music Publishers Association (NMPA) USA

[www.nmpa.org](http://www.nmpa.org)

Founded in 1917, the National Music Publishers' Association is the largest U.S. music publishing trade association with over 3000 members consisting of American music publishers and their songwriting partners. Its mission is to protect, promote, and advance the interests of music's creators. The NMPA is the voice of both small and large music publishers, the leading advocate for publishers and their songwriter partners in the nation's capital and in every area where publishers do business. The goal of NMPA is to protect its members' property rights on the legislative, litigation, and regulatory fronts. In this vein, the NMPA continues to represent its members in negotiations to shape the future of the music industry by fostering a business environment that furthers both creative and financial success. The NMPA has remained the most active and vocal proponent for the interests of music publishers in the U.S. and throughout the world, a continuing tradition of which the association is very proud.

## SESAC

[www.sesac.com](http://www.sesac.com)

SESAC is a performing rights organization with corporate headquarters in the heart of Nashville's Music Row that house all of the company's divisions, from creative to licensing to administration. The company also has offices in New York, London, Los Angeles, Atlanta and Miami. It is designed to represent songwriters and publishers and their right to be compensated for having their music performed in public. With an international reach and a vast repertory that spans virtually every genre of music, SESAC is the fastest growing and most technologically adept of the nation's performing rights companies.