

During the Requester's presentation to the ICANN Board Governance Committee's (BGC) on 17 September 2016, the BGC raised a question on how it will affect the community the Requester represents if .MUSIC is not delegated to the Requester.

Below are Requester's additional responses to the BGC's question.



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September 17, 2016

DotMusic's Answer to ICANN BGC's Question concerning:

- (i) The Benefits and Risks of .MUSIC; and**
- (ii) How .MUSIC affects the global Music Community's future Business Model**

Dear ICANN BGC Chair Chris Disspain, BGC Member Erika Mann and BGC Members:

Thank you for your question during DotMusic's Presentation to the BGC.

The global music community is reliant on the DNS for its activities. As such, the safe, trusted and secure management of .MUSIC is of great essence, especially since music fans primarily consume music online through web-related destinations (e.g. YouTube.com) or through apps (e.g. iTunes).

The biggest challenge concerning music activities on "open" domain extensions is one of trust, security and enabling fair compensation to music community members. Currently, it is impossible to identify whether or not a site is authentic, safe or legal. For example, a music fan searching for "The Scorpions Winds of Change MP3"¹ on Google will not know whether a site is licensed or not. In this particular example, 9 out of 10 results are pirated web destinations. For example, DotMusic supporter BPI has filed over 7 million takedown requests in the last 30 days alone.² In this particular case Google removed 98% of those requests due to infringing content. The DMCA law is also outdated to address this game of whack a mole in which an infringing link is removed from the search results, yet reappears again under a different URL from the same domain. Google rarely ranks licensed music websites for specific songs. Instead, the majority of song-related search results are YouTube links or pirated links.

RiskIQ found that "one out of every three content theft sites contained malware. The study found that consumers are 28 times more likely to get malware from a content theft site than on similarly visited mainstream websites or licensed content providers. And just as worrisome, merely visiting a content theft site can place a users' computer at risk: 45 percent of the malware was delivered through so called "drive-by downloads" that invisibly download to the user's computer—without requiring them to click on a link."³

The global music community is currently losing out on billions of dollars and billions of visitors that are redirected to unlicensed music websites because there is no way to identify a licensed site from an unlicensed site. A safe, authenticated and trusted .MUSIC can change this and generate billions of dollars worth of lost traffic and revenues to the global music community by merely replacing millions of pirated web results with .MUSIC official and trusted websites. A verified

¹ <https://www.google.com/search?q=Scorpions+Wind+of+Change+MP3>. Retrieved on September 17, 2016.

² <https://www.google.com/transparencyreport/removals/copyright/searchdata/reporters/?id=1847>

³ <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/0f03d298-aedf-49a5-84dc-9bf6a27d91ff.pdf>, p.1; ; Also see <https://forum.icann.org/lists/comments-new-gtld-safeguards-dns-abuse-15mar16/pdfPrzdUmRIZc.pdf>



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.MUSIC for music community members will also prevent impersonation and counterfeiting (e.g. unlicensed merchandising or ticketing).

DotMusic's safeguards and multi-stakeholder governance structure enable fair compensation for community members on the web, while also help increase competition with unlicensed sites, which currently have the upper hand over the limited number of legal music services available.⁴ A licensed, verified and trusted .MUSIC domain with DotMusic's copyright enforcement safeguards⁵ can provide search engines the signal they need to replace pirated music website results to ensure monies flow to community members.

According to Google, its search algorithm ranks trusted, high quality and secure websites higher than untrustworthy, low quality and unsafe websites.⁶ DotMusic's music-tailored enhanced safeguards, such as copyright protection provisions and community member verification will provide search engines the signals to replace illegitimate music sites with .MUSIC sites resulting in impactful economic and non-economic benefits to the global music community. An alternative of an "open" .MUSIC without music community governance and safeguards will be abused because bad actors can leverage .MUSIC websites to conduct malicious activity.

Apart from increasing competition and consumer trust, another benefit under DotMusic's approach is raising awareness for ICANN's New gTLD Program as well as increasing adoption. Furthermore, an "open" .MUSIC is not a viable solution to be adopted as an industry standard because there will be no policies in place for responsible enforcement and protection of music rights. ICANN does not regulate content nor address issues of music copyright protection. DotMusic will be addressing these issues under a multi-stakeholder music community governance model and music-tailored enhanced safeguards. An "open" .MUSIC lacking such an organized, trusted and secure structure that is supported by the entire music sector will result in (i) a loss of billions of dollars of income; (ii) a lost opportunity to organize the music sector under a licensed industry standard that would result in additional economic and non-economic benefits to community members; and (iii) significant resources spent to counter bad actors using the perceived trust of .MUSIC domains to increase malicious abuse against both community members and consumers in general. Given the global music community's reliance on the DNS for its activities, the value of the .MUSIC domain extension is priceless because it represents the global music community. As such, it is an irreplaceable and invaluable asset.

Awarding .MUSIC to a non-community applicant would negatively and significantly impact the global music community's business model into the future because the opportunities of creating a safe haven for global music consumption and a legitimate global music and song database (which does not exist today), will entirely be lost. DotMusic's solution will also provide consumers and content providers choices that do not exist today and increase competition on the web, including

⁴ There are just over 400 legal music services available. See <http://www.pro-music.org/legal-music-services.php>

⁵ <http://music.us/enhanced-safeguards>

⁶ <https://webmasters.googleblog.com/2011/05/more-guidance-on-building-high-quality.html>



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mitigating the reliance of the global music community on tech companies for distribution of content and replacing pirated search results with legitimate ones.

In summary, a regulated top-level domain for music promotes internet security, resiliency, consumer choice and competition, which must be supported by ICANN to match ICANN's objectives to benefit the global public interest and fulfill the goals of the New gTLD Program.

Please do not hesitate to reach out to us if you have any more questions.

Respectfully Submitted,

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