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July 1st, 2014

VIA EMAIL (newgtld@icann.org, steve.crocker@icann.org; fadi.chehade@icann.org; cherine.chalaby@icann.org; akram.atallah@icann.org; christine.willett@icann.org; susanna.bennett@icann.org; heather.dryden@ic.gc.ca; cyrus.namazi@icann.org; chris.lahatte@icann.org; and john.jeffrey@icann.org)

Economist Intelligence Unit

Dr. Steve Crocker, Chairman of the ICANN Board;

Fadi Chehadé, ICANN President & CEO;

Susana Bennett, ICANN COO;

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;

Heather Dryden, ICANN Chair of Government Advisory Committee;

Cyrus Namazi, ICANN Vice-President of DNS Engagement;

Chris LaHatte, ICANN Ombudsmann; and

John Jeffrey, ICANN General Counsel

Internet Corporation of Assigned Names and Numbers (ICANN)

12025 E Waterfront Dr, Suite 300,

Los Angeles, CA 90094

Economist Intelligence Unit (EIU)

20 Cabot Square, London, E14 4QW,

United Kingdom

Re: DotMusic and other Relevant, Non-Negligible Opposition to .music LLC's Community Application (ID: 1-959-51046¹) based on Discrimination and Lack of Enhanced Safeguards

Dear Economist Intelligence Unit, Dr. Crocker, the ICANN Board, GAC Chair, Ombudsman, and General Counsel to ICANN:

Please accept this collective letter of opposition submitted by a diverse segment of the global music community and public (the "Opposition"), including the following:

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>



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1. DotMusic (A .music community initiative includes support from Music Community Member Organizations (MCMOs) constituting a majority of the global music community.² DotMusic and our community members are not identified in the .music LLC application (See Appendix A) but have a strong association with the .music string).
2. “Relevant opposition by many groups of non-negligible size” (Appendix B) and “relevant opposition by many groups of negligible size” (See Appendix C) strongly associated with the .music string (These community members are not identified in the .music LLC application but also have a strong association with the .music string).
3. Comments by a significant number of individuals from the general public (See Appendix D) (The public comment number should be considered non-negligible if it is compared to the average number of public comments ICANN receives for an average public comment period from the general public).

The Opposition is submitted in accordance with Community Priority Evaluation (CPE) Guidelines which require that “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.”³

There are four (4) .music LLC policies that are “incompatible with competition objectives” and have substantial opposition of reasoned nature. In fact these points were brought up to ICANN in many correspondence letters (See Appendix E), re-consideration requests,⁴ and under the Community Objection filed against .music LLC (See Appendix F) for community objection parts, the additional submission that shows objector(s) as non-negligible and relevant, and response to .music LLC).

DotMusic has also filed a Legal Rights Objection against .music LLC. DotMusic will be materially harmed by .music LLC’s exclusive access application (including an anti-competitive eligibility requirement to restrict registrations to only global music community members belonging to organizations formed before 2007). DotMusic has valid trademarks for its .MUSIC™ brand in over 40 countries and territories (in classes relating to domain name registrations) and will be harmed if it is excluded from participation in the string.

The .music LLC application states that .music LLC intends to operate under a “*sole registrar model*” which, if delegated to .music LLC would block DotMusic entirely from participating as a

² <http://music.us/supporters.htm>

³ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>

⁴ <https://www.icann.org/resources/pages/reconsideration-2012-02-25-en>



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registrar. Also all of DotMusic's supporting organizations (constituting an overlapping majority of the music community) would be excluded from the string because they are not part of .music LLC's defined community. In contrast, .music LLC's organizations (whose overlapping music community members nearly all of which are represented or have memberships with DotMusic's Music Community Member Organizations) are included in DotMusic's community definition. DotMusic's community definition is broad and encompasses .music LLCs organizations because of the symbiotic and overlapping structure of the music sector i.e. the community.

It is also important to reiterate the advice of the Government Advisory Committee (GAC) to ICANN in its most recent GAC London Communique about addressing exclusionary policies concerning "discrimination in restricted TLDs."⁵ This would include the discriminatory policies contained in .music LLC's application.

Additionally we oppose three (3) other .music LLC policies: 1) The lack of naming enhanced safeguards to protect intellectual property; 2) the lack of a dedicated music-focused content and use policy that should be aligned with the articulated purpose of the string; and 3) registration policies that contain loopholes that provide the registry the right to have all the registration policies (after evaluation and grading by the Economist Intelligence Unit) "modified and amended" after Community Priority Evaluation or delegation. These policy issues, lack of clarity, and loopholes compromise transparency and accountability to the global music community, the global public interest and the ICANN process.

With full disclosure and transparency, we would like to inform ICANN, the EIU, the public and the global music community that we have reached out to .music LLC in numerous occasions to resolve our differences, and address the concerns presented by .music LLC's Application. We attempted to form an equal and fair partnership that would represent all music constituents without discrimination and serve the global music community, including joint letters of support. Under the "Remedies Requested" section of the Community Objection, it was communicated (to both the International Chamber of Commerce and .music LLC) that the Community Objection would be withdrawn "if an amicable multi-stakeholder community-based partnership by both parties is made representing the interests of the entire community." (See Appendix F, Pg. 14) .music LLC rejected any proposal to work together under an equal and fair partnership and rejected any proposal to work together, including submitting a joint letter of support to ICANN.

.music LLC's Application, misappropriates the CPE AGB language and leaves the global music community divided between members of organizations that were formed before 2007 and

⁵ GAC Advice to the Board,

<https://gacweb.icann.org/download/attachments/27132037/GAC%20London%20Communique%20FINAL%20.pdf?version=1&modificationDate=1403767077808&api=v2> Pg.3, IV, 2 a, I



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members of organizations that were formed after 2007. Under the terms of their Application music community members eligible for .music registration will be beholden to pre-2007 organizations and be locked to these pre-2007 organizations without any alternative choice of switching membership to a post-2007 organization. This policy thwarts consumer choice, forward-looking innovation and competition. This policy might also lead to pre-2007 organizations to engage in price increases and gouging since existing members would be “locked in.” A proper investigation must be conducted by ICANN and the EIU in regards to the misrepresentation of .music LLC’s eligibility policies which raise potential anti-trust considerations.

The .music LLC community-based .music application was intended to serve a “*higher purpose*” than the commercial .music applications submitted by Google, Amazon and or those submitted by other portfolio applicants such as Donuts, Famous Four, Radix or Minds & Machines (See .music Applicant Comparison Matrix in Appendix G). The .music LLC Application has circumvented GAC Advice by declining to file a change request to remove exclusionary language from its Application and continues to discriminate against a substantial percentage of legitimate music constituents. This highlights that .music LLC is substantially over-reaching beyond the community. The objective of a community-based application is to serve a “*higher purpose*” and meet the needs of their corresponding community as stated by Christine Willett, ICANN’s Vice-President of Operations:

“[A] community-based application was intended to serve as a higher purpose... it’s a broader purpose than just a commercial purpose.”⁶

⁶ The Guardian, <http://www.theguardian.com/environment/2014/jun/26/battle-dot-eco-domain-name-internet-green-groups>, 26 June 2014



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.music LLC's Registration Policies are "incompatible with competition objectives" and have anti-trust implications

- 1) Eligibility Criteria: Music Community Member Organizations formed after 2007 are excluded from accreditation to offer .music domain to their legitimate music members.**

According to .music LLC's Application, eligibility to offer .music registrations to community members is restricted to accredited Global Music Community (GMC) organizations formed before 2007:

Current registration and verifiable membership in a global music community organization that was organized and in existence prior to 2007 (as per ICANN guidelines) (.music LLC Application Answer to Question 20a).

Domain registrants must be members of or affiliated with at least one Member Organization of the Global Music Community" (.music LLC Application Answer to Question 20e).

Registrants are verified members of an accredited .music community organization or association in order to have an "active" registration (.music LLC Application Answer to Question 28.5)

Applicant must have declared related membership in an accredited .music member association (.music LLC Application Answer to Question 28.5).⁷

As indicated, per .music LLC's policies, only accredited music institutions, called global music community (GMC) organizations (affiliates), formed before 2007 can offer .music domains. These accreditation registration eligibility policies discriminate against legitimate newly-formed music organizations formed after 2007 with legitimate music community members. Such an eligibility policy is not forward-looking and an intentional misappropriation of ICANN rules concerning the intention of ICANN's September 2007 pre-existence rules which were not eligibility policies.

The pre-2007 "pre-existence" rules were created to prevent applicants from "gaming" the CPE process by creating made-up communities to claim a sought after string. In fact, use of this criteria as an eligibility policy is arbitrary and highly unnecessary because it is common knowledge that the music community and its sector existed many centuries ago, well beyond the creation of the Internet. The September 2007 date was not created to be an eligibility requirement aimed at stifling competition,

⁷ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>



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reducing diversity and hindering innovation through discrimination. In fact, GAC has advised ICANN in its London Communique about addressing concerns such as “discrimination in restricted TLDs”⁸ such as .music those contained in .music LLC’s application. We have communicated this anti-competitive issue to ICANN multiple times⁹ (See Appendix E), raised it in the Community Objection against .music LLC and also publicly posted our concerns about .music LLC’s discriminatory application (See Appendix H¹⁰) and the material risks created by applications that lack enhanced safeguards (See Appendix I¹¹) for the music community to see.

.music LLC’s policy is not forward-looking and is a deliberate misappropriation of ICANN rules to favor their affiliates (GMC organizations) at the expense of legitimate music organizations that are unable to become accredited or resellers because they are formed after 2007. This eligibility policy improperly favors .music LLC affiliates (GMC organizations) because it ensures new entrants (who are competitors to their affiliates) to be excluded from participation or becoming resellers. As .music LLC discloses in their application:

*The structure of the music community is organized through diverse **sympiotic** and sometimes **overlapping** segments. (.music LLC Application Answer to Question 20a).¹²*

The substantial majority of music community members have overlapping memberships with music organizations because of the sympiotic structure of the music community. Each organization serves a specific purpose.

For example, digital distributors are exclusively focused on distributing legal music on major retailers (or music streaming services) and compensating rightsholders when a sale is generated. Another example is legal lyrics distributors who are exclusively focused on distributing legal lyrics on lyric sites (or apps) and compensating all rightsholders when a sale is generated. Members of the music community are represented in all these organizations. They can also be represented in numerous societies or associations, such as publishers’ associations or record label associations or music business associations. Overlapping memberships are central to how the sympiotic music community functions in today’s regulated and highly organized music sector.

⁸ GAC Advice to the Board,

<https://gacweb.icann.org/download/attachments/27132037/GAC%20London%20Communique%20FINAL%20.pdf?version=1&modificationDate=1403767077808&api=v2> Pg.3, IV, 2 a, I

⁹ <http://music.us/open-music-themed-sensitive-gtld-harm-without-safeguards.pdf>,

<https://www.icann.org/en/system/files/correspondence/roussos-to-crocker-et-al-12jul13-en.pdf>,

<https://www.icann.org/en/system/files/correspondence/roussos-to-crocker-et-al-08oct13-en.pdf>

¹⁰ <http://music.us/DotMusic-Concerns-with-Far-Further-Application-1-959-51046.pdf>

¹¹ <http://music.us/open-music-themed-sensitive-gtld-harm-without-safeguards.pdf>

¹² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>



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This is why .music LLCs exclusionary eligibility policy that only allows organizations formed before 2007 to offer .music registrations to their members is detrimental to the legitimate interests of those formed after 2007.

By way of quick example, this type of exclusion does not provide music organizations with equal opportunity to offer a .music domain to the same member of the community that has an overlapping membership with an organization formed before 2007.

This exclusionary eligibility policy only benefits and financially enriches pre-2007 organizations because monies generated via the reselling of .music domains is not conducted in an equal, competitive manner.

.music LLC's eligibility policies are inconsistent with the language contained in their Application that admits that there is interdependence in the music community and that the interdependence is "*symbiotic*" and "*overlapping*" in nature. This symbiotic and overlapping interdependence requires collaboration, not exclusionary policies. This is in direct contrast to the articulated purpose of the string to "*collaboratively grow a domain that serves artists, songwriters and music professionals*" and "*facilitate global collaboration*" between the community, which is their Mission and Purpose:

*The mission of .music is to **collaboratively** grow a domain that serves artists, songwriters and music professionals; promotes music, and nurtures the art (.music LLC Mission, Application Answer to Question 18a).¹³*

*The .music TLD will facilitate **global collaboration** among, and promote the musical identity of artists, musicians, songwriters and the professionals that support them, as well as music educators and arts-oriented policy makers through a relevant and shared website and email address suffix (Application Answer to Question 18a).¹⁴*

The formation-based eligibility registration policies of .music LLC discriminate and provide preferential accreditation treatment to pre-2007 music organizations (and their music members). This impedes any opportunity to level the playing field in the music sector. Furthermore, this exclusionary policy harms new entrants from developing regions who are currently under-represented in today's music sector. More importantly, these developing regions are forecasted to have the highest growth rate in the music sector given the increasing number of Internet users from those territories and the expected

¹³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

¹⁴ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>



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growth of new legal music services in those developing regions which are currently hampered by piracy because of the lack of legal alternatives.¹⁵ According to the IFPI 2014 Digital Music Report:

*New services with big global ambitions are launching, such as Beats and iTunes Radio — services that we hope will soon spread around the world. Meanwhile, the existing international services, such as Deezer, Google Play, iTunes, Spotify and YouTube are generating income in many new markets following their global expansion. The competition is intense and consumer choice is ever-widening — these are very positive dynamics in the development of the digital music landscape...The music industry has become a mixed economy of diverse consumer channels and revenue streams... Digital music, on a global scale, is going to the next level. Emerging markets have huge potential, and, through digital, the music business is moving to unlock it. Most of these territories are seeing internet and mobile music penetration soaring, with rising demand for handheld devices. The great news is that a wide variety of licensed music services are available to meet this demand. Emerging music markets also need new ways of thinking in the digital world, particularly in countries with undeveloped payment systems and low credit card usage... None of these exciting developments changes the fact that there is still one overriding obstacle to market development in most emerging markets — and that is rampant digital piracy... Our focus on creating a fair playing field, supported by strong laws and effective enforcement, remains undiminished.*¹⁶

Setting an unfair music community accreditation eligibility policy based on a non-forward looking expiration date is not only in misalignment with .music LLC articulated purpose of collaboration and serving the music community globally, it also inconsistent with the objectives of the music sector (as evidenced by the comments by IFPI, which represents the global interests of record industry) to “*creating a fair playing field*” and not creating any “*overriding obstacle to market development in emerging markets.*”

The Final CPE Guidelines of the Applicant Guidebook clearly state that the community must be “*pre-existing*” meaning that the “*community must have been active as such since before the new gTLD policy recommendations were completed in September 2007.*”¹⁷ It is misguided and anti-competitive to turn this language into anti-competitive eligibility criteria for .music registrations by falsely claiming that this language is “as per ICANN guidelines” especially when the Final CPE Guidelines of the AGB

¹⁵ There are only over 450 recognized legal music services online, the majority of which is offered in developed nations. Visit <http://www.ifpi.org/downloads/Digital-Music-Report-2014.pdf> , Pg. 44

¹⁶ <http://www.ifpi.org/downloads/Digital-Music-Report-2014.pdf> , Pg. 5

¹⁷ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> , Pg.4



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state that "*pursuits of a community are of a lasting, non-transient nature*" and "*forward-looking*"¹⁸ without an expiry date or an eligibility formation date.

This discriminates against music organizations from developing countries formed after 2007, including newly-formed music organizations or competitors to .music LLC's GMC affiliates. ICANN does not mandate any such eligibility requirements because such a policy would be contrary to the objectives of the new gTLD program and ICANN's Affirmation of Commitments:

*The program's goals include enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction of new gTLDs.*¹⁹

*Ensuring accountability, transparency and the interests of global Internet users (Affirmation of Commitments, 9.2), Promoting competition, consumer trust, and consumer choice. (Affirmation of Commitments, 9.3)*²⁰

In addition to anti-competitive and anti-trust implications, these policies also create legal risks to the accredited organizations in cases when a member wants to leave the organization and switch their membership to a newly-formed music organization that serves the same function as the pre-2007 organization. According to .music LLC's registration policies:

*Should the registrant fail to meet the eligibility criteria, they risk the suspension and ultimately **deletion or loss of their domain name**. Verification of continued membership is required for renewal, to ensure ongoing eligibility. (.music LLC Mission, Application Answer to Question 20e).*²¹

This means a member will lose their .music domain if they switch to an organization formed after 2007 because they will have failed to maintain their membership in a pre-2007 accredited organization. The pre-2007 accredited organizations lock community members to maintain their membership or else they risk losing their domain. Such an anti-competitive policy creates enormous liability risks to accredited associations. ICANN registrar gTLD registrar rules allow registrants to easily move their domain from one registrar to another. The registration policies of .music LLC are contrary to this control that ICANN has created in the domain space to increase competition and consumer choice. According to .music LLC's policies registrants are locked with .music LLC's accredited affiliates and have limited switching options.

¹⁸ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>, Pg.6

¹⁹ <http://newgtlds.icann.org/en/about/program>

²⁰ <https://www.icann.org/resources/pages/affirmation-of-commitments-2009-09-30-en>

²¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>



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The problematic nature of the pre-2007 eligibility date is further exemplified by .music LLC's own violation of its accreditation rules in the case of MMGHQ and MusicBiz. One of their accredited supporting organizations, MMGHQ, was founded in 2010²² but yet has qualified as an accredited GMC organization. Furthermore, what happens if there is a merger or acquisition or a rebranding of an accredited organization and a newly-formed entity is created for the partnership? According to .music LLC's policies that would mean all music members would lose their .music domains. An accredited GMC organization called NARM (which was formed pre-2007) rebranded itself under a new company called Music Biz and merged its related companies NARM and DigitalMusic.org (which was formed after 2007) under one umbrella.²³ According to .music LLC policies since the merge under the new company name MusicBiz occurred after 2007 they no longer meet their accreditation requirements. These examples showcase why such discriminatory policies for eligibility adopted by .music LLC are detrimental, not practical and create an unnecessary friction and a schism within the global music community.

²² <https://www.linkedin.com/company/5047905?trk=prof-exp-company-name>

²³ <http://musicbiz.org/press-releases/narm-digitalmusic-org-become-music-business-association/>



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2) Legitimate music fan exclusion from community definition creating substantial over-reaching beyond the community

.music LLC points out in their application that the “*era of perceived friction*” between the creators of music and fans “*is about to end, as both find a new platform where their mutual interests and desires coalesce for the combined greater benefit*” (Application Answer to Question 18a).²⁴

In their application .music LLC confesses that they substantially over-reach beyond the community they define by disclosing that there are “*connotations the string may have beyond the community*” such as music fans. Their application states that:

“*[T]he term or string “music” is also relevant for the consumers or fans of music.*” They confirm that even though they “*not defined as part of the Global Music Community, they DO share a common bond: a passion for music*” and that they “*are very much a sustaining force and the “raison d’etre” for the Global Music Community*” (Application Answer to Question 20d).²⁵

Under their own admission, .music LLC substantially over-reaches beyond the community by excluding active fans despite acknowledging that fans are “*are very much a sustaining force and the “raison d’etre” for the Global Music Community*” and that “*one cannot exist without the other.*” By excluding this crucial, large segment of the music community – active and engaged music fans - .music LLC contradicts itself and is inconsistent with their articulated community-based purpose of collaboration and music promotion to serve the music community. In today’s music sector, active and engaged music fans collaborate with artists, promote their music and serve the music community in new and exciting ways.

In a correspondence letter with ICANN, PledgeMusic, the leader in direct-to-fan engagement for artists, highlights the importance of fans in today’s music marketplace:

Music fans are the lifeblood of the music industry, and they want to be involved in an artist’s entire music development process providing a viable alternative to the traditional music financing, production and distribution model... The new relationship between artist and fan allows the fan to now become a co-creator and strategic partner (See Appendix J).

²⁴ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

²⁵ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>



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According to a global recording industry report, fan-made videos generate more money for record labels than official music videos.²⁶

According to the Guardian:

Artists are increasingly looking for new ways to fund their careers, including direct-to-fan funding sites such as PledgeMusic. If anyone is going to save the music industry, it is fans: "Selling direct to fans will be an integral part of the industry. Fans are an artist's lifeblood so it is increasingly necessary to engage with them and give real value for money."²⁷

Major label artists are forgoing their record labels to manage their careers independently under a direct-to-fan model which allows musicians more control and independence than with traditional record deals. Fans are now a viable alternative to music funding and marketing. For example, major artist Neil Young raised over \$6.2 million using fan-funding for his music project Pono²⁸ and Slash of Guns N' Roses raised funds through PledgeMusic with over 1200 engaged fans funding his music project.²⁹

If legitimate members of the music community – such as active music fans - are excluded from .music participation it be unfair and harm their legitimate interests. Legitimate music fans should not be excluded given their rising increasing influence on artist careers which are heavily reliant on the Internet. According to the 2013 Crowdsourcing Report fan funding has risen 81% to \$2.7 billion. Fans have created a new avenue for artists to raise funds without giving up creative control and have successfully funded more than 1 million campaigns in 2012. The significance of this trend and its impact on music artists is compelling since global crowd funding volume is forecasted to increase to \$5.1 billion.³⁰ Fans will play a more protagonist role in artists' careers following the April 2013 signing of the JOBS Act³¹ allowing fans to become investors in artist careers.³²

This is in direct contrast to the articulated purpose of the string to “collaboratively grow a domain that serves artists, songwriters and music professionals” and “facilitate global collaboration” between the community, which is .music LLC’s Mission and Purpose:

²⁶

http://www.thestar.com/entertainment/music/2014/03/18/recording_industry_earns_more_from_fan_videos_than_from_official_music_videos.html

²⁷ <http://www.theguardian.com/music/2012/apr/29/young-musicians-fan-funding-record-industry>

²⁸ <https://www.kickstarter.com/projects/1003614822/ponomusic-where-your-soul-rediscovers-music>

²⁹ <http://www.pledgemusic.com/projects/slash/pledgers>

³⁰ <http://www.crowdsourcing.org/editorial/2013cf-the-crowdfunding-industry-report/25107>

³¹ <http://www.gpo.gov/fdsys/pkg/BILLS-112hr3606enr/pdf/BILLS-112hr3606enr.pdf>

³² <http://www.forbes.com/sites/work-in-progress/2012/09/21/the-jobs-act-what-startups-and-small-businesses-need-to-know-infographic/>



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*The mission of .music is to **collaboratively** grow a domain that serves artists, songwriters and music professionals; promotes music, and nurtures the art (.music LLC Mission, Application Answer to Question 18a).³³*

*The .music TLD will facilitate **global collaboration** among, and promote the musical identity of artists, musicians, songwriters and the professionals that support them, as well as music educators and arts-oriented policy makers through a relevant and shared website and email address suffix. The .music TLD will **facilitate music creation, career development, promotion and distribution, and will serve as the artist's ally and advocate**. Our goal is to make the .music TLD transform the current landscape by addressing the needs of artists, musicians, bands and songwriters who are looking for new ways to promote themselves and their creative work (Application Answer to Question 18a).³⁴*

Active and engaged music fans in today's marketplace play a critical role in the "artist's career development, promotion and distribution" accomplished through their "global collaboration" by serving as the "artist's ally and advocate."

³³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

³⁴ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>



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3) Exclusive-access registry and registrar non-equal access: .music LLC intends to be a sole registrar. Their accredited music organizations will be their sole registrar's affiliate resellers

According to the ICANN new gTLD registry agreement associated with the Applicant Guidebook:

[The] Registry Operator must provide non-discriminatory access to Registry Services to all ICANN accredited registrars that enter into and are in compliance with the registry-registrar agreement for the TLD; provided that Registry Operator may establish non-discriminatory criteria for qualification to register names in the TLD that are reasonably related to the proper functioning of the TLD. Registry Operator must use a uniform non-discriminatory agreement with all registrars authorized to register names in the TLD (the "Registry-Registrar Agreement").³⁵

Following GAC Advice, ICANN solicited responses from applicants for the strings identified by the GAC regarding whether they planned to operate the applied-for TLDs as exclusive access registries (defined as a registry restricted to a single person or entity and/or that person's or entity's Affiliates" (as defined in Section 2.9c of the Registry Agreement). The responses were submitted to the New gTLD Program Committee (NGPC) of the ICANN Board. On 28 September 2013, the NGPC adopted a Resolution on GAC Category 2 Advice.³⁶

The GAC (and the ICANN NGPC) made it clear that "closed generics" are against the public interest. However .music LLC's response to the GAC Advice³⁷ was inconsistent with their stated policies in their application which state that .music LLC will be the "sole registrar" with resellers (Affiliates) that are only composed of Community Member Associations formed before 2007.

Far Further twice reiterates its intention to be the "sole registrar" through its statements in Section 28.4.3 of its Application, using the word "exclusive" to illustrate its "exclusive access" model:

*"The dotMusic Registry intends to operate as a **sole registrar** model but will offer exclusive reseller services for music associations to sell domain names to their memberships."*

³⁵ <http://newgtlds.icann.org/en/applicants/agb/agreement-approved-02jul13-en.pdf>, Section 2.9, Pg. 4

³⁶ <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-28sep13-en.htm#2.a>

³⁷ <http://newgtlds.icann.org/sites/default/files/applicants/09oct13/gac-advice-response-1-959-51046-en.pdf>



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*“Music Registry will set itself up as a **sole registrar**, providing reseller capability to Community Member Associations (i.e Affiliates), who will in turn sell .Music domains to their memberships.” (Application Answer to Question 28.4.3).³⁸*

We have communicated with ICANN multiple times to address anti-competitive exclusive access policies that are contained in .music LLC’s application. The applicant circumvented GAC Category 2 Advice and ICANN’s request to file a change request since their Application contained exclusive access language. The Application has now been invited to Community Priority Evaluation with the Economist Intelligence Unit while these discriminatory policies still remain in their application.

A community objection by a non-negligible, relevant party that we represented was also filed against .music LLC concerning these anti-competitive policies. Since then, exceptional GAC Advice resulted in new binding contractual changes in the Program and designed to protect the public interest. The GAC Category 2 Exclusive Access Advice, related NGPC Resolutions and revisions to the new gTLD Registry Agreement³⁹ provide that registry operators of a "generic string" TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person's or entity's "Affiliates" (2.9(c) of Registry Agreement). The issue of “closed generics” and Category 2 Advice is not insignificant. We and other non-negligible, relevant music organizations (See Appendix B) remain concerned about the exclusive access and other anti-competitive language contained in .music LLC’s application.

ICANN ignored our request to invite .music LLC for a change request after notifying ICANN of Applicant’s exclusive access language in their Application and discrepancy between their Response to GAC Category 2 Advice that their Application was not an exclusive access Application in contrast with the actual language in their current Application. The applicant .music LLC defended their position in their Community Objection and Legal Rights Objection but yet misleadingly indicated to ICANN in their GAC Category 2 Responses that their Application does not have any exclusive access language even though it clearly does.

³⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

³⁹ 3(c) and 3(d) of Specification 11 provided that: (c) Registry Operator will operate the TLD in a transparent manner consistent with general principles of openness and non-discrimination by establishing, publishing and adhering to clear registration policies. (d) Registry Operator of a “Generic String” TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person’s or entity’s “Affiliates” [. . .]. “Generic String” means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things (New gTLD Registry Agreement, July 2nd, 2013, <https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm#1.d>).



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.music LLC had the opportunity to defend the positions it took in the Objections pertaining to exclusive access language by filing a change request but has chosen to ignore such accountability towards the credibility of the new gTLD Program process and use loopholes to circumvent such accountability which ICANN knowingly allowed to proceed at the expense of the global Public Interest and the credibility of the Program despite numerous formal outreach efforts (including Re-considerations and Letters) by DotMusic to inform ICANN of such activity.

Twelve applicants responded that the TLD would be operated as an exclusive access registry. Twelve (12) Applicants applied for the TLDs .BROKER, .CRUISE, .DATA, .DVR, .GROCERY, .MOBILE, .PHONE, .STORE, .THEATER, .THEATRE and .TIRES. These Applicants consistently defended their position to keep the exclusive access language in their Applications by providing an explanation of how the proposed exclusive registry access serves a public interest goal without changing their positions or being misleading.⁴⁰

It has been highlighted by GAC Advice, NGPC Resolutions and both the .POLO and .MOBILE Expert Determinations (which upheld exclusive-access related community objections) that exclusive access language (such as those in .music LLC's application) is relevant and material. On April 10th, 2014, Expert Kap-You Kim upheld the Community Objection against Amazon filed by the CTIA ruling that exclusive access language is not only material in nature but they are also materially detrimental to related-communities that are strongly associated with strings (a determination that further highlights that .music LLC discriminatory language is material and harmful to the music community):

The gTLD .MOBILE is not a generic descriptor like ".com" (short for "company") but an identifying descriptor that is widely used to refer to the community...Within the bounds of the Mobile Wireless Community, .MOBILE could easily function in a manner similar to the way .COM functions in the broader internet economy (Section 131, Pg.40).

Top-level domains are not co-equal with the second-level market. There, excepting certain limitations and preclusions, one need only find a unique name and pay to register it. However, a TLD is something else entirely. A market participant cannot simply "register" a TLD like .MOBILE or .WIRELESS or .APP, as it can register a second-level domain like "app.com." Rather, one must become the registry, which is an expensive, time consuming, complex process. And after a registry is selected, it cannot simply sell its rights as a registry to another market participant. It is a highly regulated position, subject to the oversight if ICANN and to numerous regulations (Section 132, Pg. 41).

⁴⁰ <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-05feb14-en.pdf>



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The establishment of unrestricted, exclusive rights to a gTLD that is strongly associated with a certain community or communities, particularly where those communities are, or are likely to be, active in the internet sphere, seems to me inherently detrimental to those communities' interests. And it is unquestionably the case that the Mobile Wireless Community is a community for which domain name "real estate" is of high value. (Section 135, Pg. 41)

The Mobile Wireless Community Will Suffer Significant and Extensive Economic Harm Should .MOBILE BE Delegated to Amazon Under the Terms Set Out in the New gTLD Application (Section 5.2.4.3, Pg. 41).

The Level of Certainty That the Alleged Harms Will Occur Is Very High (Section 5.2.4.4, Pg.42)

ICANN's new position in regards to Material Changes and discrepancies deviate from the Applicant Guidebook and are inconsistent since some Applicants (such as Amazon) have been asked to submit a change request, while others (such as .music LLC) have not been asked to submit a change request for their Exclusive Access language Application. In a March 4th 2014 letter⁴¹ from ICANN to the Community gTLD Applicant Group (CTAG), the Vice-President of New gTLD Operations Christine Willett stated:

In regards to your questions about GAC Category 2 Advice, we would like to remind you that in participating in the New gTLD Program, applicants have certified that the application materials presented are accurate and complete (see the Top-Level Domain Application Terms and Conditions in Module 6 of the Applicant Guidebook: <http://newgtlds.icann.org/en/applicants/agb/terms-04jun12-en.pdf>). Additionally, per Section 1.2.7 of the Applicant Guidebook, if at any time during the evaluation process information previously submitted becomes untrue or inaccurate, the applicant must notify ICANN of such changes. In the event that there is a "discrepancy between what the applicant states and what the applicant provided in their response to ICANN," the registry operator is still expected to comply with Specification 11 of the Registry Agreement, which prohibits registry operators of generic strings from imposing eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person's or entity's affiliates. Any allegations that a registry operator is violating its obligations under Specification 11 could be addressed through ICANN's Public Interest Commitments Dispute Resolution Procedure (PICDRP) or by ICANN's Contractual Compliance team.

⁴¹ <http://www.icann.org/en/news/correspondence/willett-to-schwartz-04mar14-en.pdf>



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While ICANN has incorporated accountability mechanisms after delegation, the overarching issue is that the EIU is scoring .music LLC's application according to their application's exclusive access language. Since .music LLC's exclusive access registration policies are disallowed by ICANN according to the new gTLD Registry Agreement then how will the EIU score .music LLC's application knowing that the registration policies are materially invalid and will not count towards anything?

.music LLC is attempting to be anti-competitive on in both the music space (by excluding legitimate music organizations formed after 2007 from becoming accredited and being eligible to offer .music registrations to their legitimate music members) and the domain space (by incorporating exclusive access language by adopting "*sole registrar model*" for its .music registry which is in violation of ICANN's registry-registrar rules which state that the registry must provide equal and non-discriminatory access to all ICANN-accredited registrars).



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4) Registration Policies can be amended after delegation by .music LLC and their Policy Advisory Board without accountability to ICANN's CPE Process and Music Community

The .music LLC has application language that creates a loophole to circumvent their Registration Policies scored in their CPE Evaluation. This loophole allows .music LLC to change their application's Registration Policies after delegation without any ramifications or accountability. Its application has non-transparent open-ended language which poses many questions pertaining to what their application stands for. The .music LLC application states that:

[It] will establish a Policy Advisory Board (PAB) before launch of the TLD (Application Answer to Question 20b).⁴²

*[The] "PAB is expected to collect input, provide insight and feedback on policies and procedure governing registration and accreditation criteria. Specifically, the PAB will oversee Registrant Accreditation Criteria" and will "determine a process by which **policies would be reviewed, modified, or amended**" (Application Answer to Question 20b).⁴³*

This language creates a misalignment, mismatch and inconsistency in their application. It reveals that the registration policies in their current application are not set in stone and can be amended at any time by the registry and their Policy Advisory Board without any accountability to the community, ICANN and the EIU (which is scoring the Registration Policies sections of their application).

In the event that .music LLC modifies and amends their Registration Policies would this prompt a re-evaluation of their application, including a re-scoring of their CPE section to be fair to all applicants in their contention set? Allowing .music to have their registration policies "*modified, or amended*" at any time raises many red flags and questions .music LLC's accountability, transparency and consistency in regards to their articulated community-based purpose. How can the EIU CPE evaluators grade .music LLC's application knowing that .music LLC and their PAB may modify and amend these registration policies at any point? By stating that these policies may be determined later – including accreditation which affects eligibility – the .music LLC application in its current form is incomplete, has no concrete set of Registration Policies and more importantly does not serve the global public interest because it prevents the general public from fully understanding what the application stands for and what exactly the Registration Policies are.

⁴² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

⁴³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>



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5) Content and Use Policy is not restricted exclusively to music content and usage

According to .music LLC's application, their Content and Use Policy does not restrict content and usage exclusively to music-related activities:

[The] dotMusic Registry will not mandate any particular formatting or usage (Application Answer to Question 20e).⁴⁴

The only content restriction is that content must be legal. This is a generic policy which applies across all gTLDs, regardless if they are open or restricted:

Registrants must hold valid rights to all materials displayed on and/or distributed through their specific site. (Application Answer to Question 20e).⁴⁵

The .music LLC Mission and Purpose states:

The mission of .music is to serve artists, musicians, songwriters and music professionals that support them through a Top-Level Domain (TLD) that promotes music and nurtures the art. The .music TLD will provide the global community of music makers, music educators, music advocates, and music professionals with a unique identifier on the Internet that respects and supports intellectual property rights and facilitates the advancement of music education. The .music TLD will facilitate global collaboration among, and promote the musical identity of artists, musicians, songwriters and the professionals that support them, as well as music educators and arts-oriented policy makers through a relevant and shared website and email address suffix. The .music TLD will facilitate music creation, career development, promotion and distribution, and will serve as the artist's ally and advocate. Our goal is to make the .music TLD transform the current landscape by addressing the needs of artists, musicians, bands and songwriters who are looking for new ways to promote themselves and their creative work (Application Answer to Question 18a).⁴⁶

There is a misalignment between the articulated community-based purpose of the applied-for gTLD because its Content and Use policies are not consistent with serving the music community “through a Top-Level Domain (TLD) that promotes music” which is a “relevant” “unique identifier”

⁴⁴ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

⁴⁵ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

⁴⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>



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“addressing the needs of artists, musicians, bands and songwriters.” According to their Content and Use policy any type of content and usage not related to music is permitted just as long as it is legal. The string denotes music-focused Content and Use but .music LLC’s Content and Use policy does reflect that since it does not mandate music activities. Generic gTLDs, such as .com, have similar Content and Use policies as .music LLC’s not to restrict activities to music-only content and. Such generic policies are not aligned with the community-based purpose of the string which describes music activities. A music-centric community-based string should not follow the footsteps of generic strings in relation to content and use.



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6) The Name Selection Policy does not protect intellectual property and prevent abuse

According to .music LLC's Mission and Purpose:

As a restricted TLD, .music will effectively support the community's interests in protecting IP rights (Application Answer to Question 18a).⁴⁷

Part of our mission is to provide a domain with safeguards from abuse and to take appropriate measures to protect the rights of creators and owners. As a restricted TLD, .music will effectively support the community's interests in protecting IP rights and will be unavailable to those known to operate outside the legal IP paradigm (Application Answer to Question 18a).⁴⁸

The .music LLC application does not have a Name Selection policy that provides “*safeguards from abuse*” or provides “*appropriate measures to protect the rights of creators and owners.*”

Its Name Selection policy has no restrictions that would serve their articulated community-based purpose and only relates to Reserved Names which “*required by Specification 5 of the new gTLD Registry Agreement*” mandated by ICANN on all new gTLD applicants:

In .music we will reserve the following classes of domain names, which will not be available to registrants via the Sunrise or subsequent periods:

The reserved names required in Specification 5 of the new gTLD Registry Agreement.

- *The geographic names required in Specification 5 of the new gTLD Registry Agreement, and as per our response to Question 21. See our response to Question 22 (“Protection of Geographic Names”) for details.*
- *The registry operator will reserve its own name and variations thereof, and registry operations names (such as nic.music, and registry.music,), so that we can point them to our Web site. Reservation of the registry operator's names was standard in ICANN's past gTLD contracts.*
- *We will also reserve names related to ICANN and Internet standards bodies (iana.music, ietf.music, www.music, etc.), for delegation of those names to the relevant organizations upon their request. Reservation of this type of name was*

⁴⁷ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

⁴⁸ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>



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*standard in ICANN's past gTLD contracts.
 (Application Answer to Question 18b).⁴⁹*

Any registrant that has passed .music LLC's eligibility requirement can register any name they want, even if it is not their own name, their "doing business as" or their acronym.

The .music LLC naming conditions do not have a Name Selection policy requiring that any registered .music domain name must be the name of the registrant. This is contrary to their articulated community-based purpose incorporate appropriate safeguards to protect intellectual property and the music community. Having a general Name Selection policy will cause widespread abuse since it does not stop eligible registrants from registering others' names, resulting in increased cyberquatting and impersonation, especially since there are so many bands globally with the same name. For example, according to MusicBrainz's comprehensive artist database there are over 25 artists called "Bliss" globally⁵⁰ (See Appendix K).

The lack of a Name Selection policy is further compounded by the inadequacy of the Trademark Clearinghouse to protect artists names, especially since the Trademark Clearinghouse is not free and does not take into consideration plurals. It only takes into consideration identical matches. The Applicant Guidebook's Module 5 chapter on the Trademark Clearinghouse², section 6.1.5, defines the framework of how DNS impermissible characters will be treated for the purpose of determining a match between a trademark string and a domain name label. The Trademark Clearinghouse Database will be structured to report to registries when registrants are attempting to register a domain name that is considered an "Identical Match" with the mark in the Clearinghouse. "Identical Match" means that the domain name consists of the complete and identical textual elements of the mark and that no plurals and no "marks contained" would qualify for inclusion" Under the definition of an identical match, the Trademark Clearinghouse states that:

"All Clearinghouse trademark comparisons occur by comparing the textual elements of a mark with the second level label of the domain name being registered. When all and only the complete and identical textual elements exist in both the trademark and the label, it is considered an identical match."⁵¹

The .music LLC does not even have a Globally Protected Marks List to protect famous band names from being registered by eligible registrants. The music community is large. Music brands also claim rights in different territories and conflict in many territories have conflicting rights. The

⁴⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

⁵⁰ <http://musicbrainz.org/search?query=bliss&type=artist&method=indexed>

⁵¹ <http://newgtlds.icann.org/en/about/trademark-clearinghouse/matching-rules-24sep12-en.pdf>, pg.3



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protection of famous music names is essential because of the high level of cybersquatting, fraudulent impersonation and counterfeiting piracy that exists online.

Just as in the case of .music LLC's Content and Use policy, their Name Selection policy is too general and not specific to music. Generic polices are not aligned with the community-based purpose of the string to protect intellectual property and safeguard artists' names from abuse. A community-based string for .music should not follow the footsteps of generic strings when it comes to registration policies.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "C. Roussos", is enclosed within a large, horizontal, blue ink scribble that extends across the width of the signature area.

Constantine Roussos
.MUSIC™
(DotMusic Limited)
Founder
costa@music.us

cc: Jason Schaeffer
General Counsel
jason@esqwire.com

.MUSIC Community Website: www.music.us

.MUSIC Supporting Organizations: www.music.us/supporters.htm

Appendix A

.music LLC Application 1-959-51046



New gTLD Application Submitted to ICANN by: .music LLC

String: music

Originally Posted: 13 June 2012

Application ID: 1-959-51046

Applicant Information

1. Full legal name

.music LLC

2. Address of the principal place of business

179 Belle Forest Circle
Suite 104
Nashville TN 37221
US

3. Phone number

615 777 3848

4. Fax number

615 829 8718

5. If applicable, website or URL

<http://www.farfarther.com>

Primary Contact

6(a). Name

Mr. John Styll

6(b). Title

President/Chief Operating Officer

6(c). Address

6(d). Phone Number

615 479 0103

6(e). Fax Number

6(f). Email Address

js@farfurther.com

Secondary Contact

7(a). Name

Mr. Loren Balman

7(b). Title

Chief Executive Officer

7(c). Address

7(d). Phone Number

615 260 0290

7(e). Fax Number

7(f). Email Address

lb@farfurther.com

Proof of Legal Establishment

8(a). Legal form of the Applicant

Limited Liability Corporation

8(b). State the specific national or other jurisdiction that defines the type of entity identified in 8(a).

State of Tennessee, United States of America

8(c). Attach evidence of the applicant's establishment.

Attachments are not displayed on this form.

9(a). If applying company is publicly traded, provide the exchange and symbol.

9(b). If the applying entity is a subsidiary, provide the parent company.

Far Further LLC

9(c). If the applying entity is a joint venture, list all joint venture partners.

Applicant Background

11(a). Name(s) and position(s) of all directors

Cal Turner III	Chairman
John Styll	President

Loren Balman	Chief Executive Officer
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11(b). Name(s) and position(s) of all officers and partners

Cal Turner III	Chairman
John Styll	President/Secretary
Loren Balman	Chief Executive Officer

11(c). Name(s) and position(s) of all shareholders holding at least 15% of shares

Cal Turner III	Chairman
Loren Balman	Chief Executive Officer
Stephen Kelley	Not Applicable

11(d). For an applying entity that does not have directors, officers, partners, or shareholders: Name(s) and position(s) of all individuals having legal or executive responsibility

Applied-for gTLD string

13. Provide the applied-for gTLD string. If an IDN, provide the U-label.

music

14(a). If an IDN, provide the A-label (beginning with "xn--").

14(b). If an IDN, provide the meaning or restatement of the string in English, that is, a description of the literal meaning of the string in the opinion of the applicant.

14(c). If an IDN, provide the language of the label (in English).

14(c). If an IDN, provide the language of the label (as referenced by ISO-639-1).

14(d). If an IDN, provide the script of the label (in English).

14(d). If an IDN, provide the script of the label (as referenced by ISO 15924).

14(e). If an IDN, list all code points contained in the U-label according to Unicode form.

15(a). If an IDN, Attach IDN Tables for the proposed registry.

Attachments are not displayed on this form.

15(b). Describe the process used for development of the IDN tables submitted, including consultations and sources used.

15(c). List any variant strings to the applied-for gTLD string according to the relevant IDN tables.

16. Describe the applicant's efforts to ensure that there are no known operational or rendering problems concerning the applied-for gTLD string. If such issues are known, describe steps that will be taken to mitigate these issues in software and other applications.

.MUSIC LLC foresees no known rendering issues in connection with the proposed .music string which it is seeking to apply for as a gTLD. This answer is based upon consultation with .MUSIC LLC's backend provider, Neustar, which has successfully launched a number of new gTLDs over the last decade. In reaching this determination, the following data points were analyzed:

- ICANN's Security Stability Advisory Committee (SSAC) entitled Alternative TLD Name Systems and Roots: Conflict, Control and Consequences (SAC009);
- IAB - RFC3696 "Application Techniques for Checking and Transformation of Names"
- Known software issues which Neustar has encountered during the last decade launching new gTLDs;
- Character type and length;
- ICANN supplemental notes to Question 16; and
- ICANN's presentation during its Costa Rica regional meeting on TLD Universal Acceptance

17. (OPTIONAL) Provide a representation of the label according to the International Phonetic Alphabet (<http://www.langsci.ucl.ac.uk/ipa/>).

Mission/Purpose

18(a). Describe the mission/purpose of your proposed gTLD.

The mission of .music is to collaboratively grow a domain that serves artists, songwriters and music professionals; promotes music, and nurtures the art... all for the love of music.

Music is one of the few experiences that is both truly unique to our species and common across all people. Music is such a defining aspect of humanity that when we talk with others about music we ask them what

kind of music they like, never whether they like music. One needs look no further than ICANN itself for an example of the power of music to communicate and unite. Nearly every host committee has used music to introduce participants from around the world to its country's culture, languages and even belief systems. Music is so central to what makes us human that it's hard to imagine a human being without a relationship with music in some shape, form or expression.

Over the course of history, music has had various statures at different times and with different peoples. At times, the musician and their creations have been upheld and admired, banned and rejected, rewarded, punished, supported, and impoverished. Yet, throughout this turbulent and tenuous relationship we have continued to crave music as a fundamental fulfillment of self.

Today, we are in an age of appreciation for the art of music. It is a significant force in modern cultures and even a significant force in our economic productivity. Nonetheless, resource constraints challenge our ability to educate musicians and audiences alike. While new technologies have played a central role in increasing the global availability of diverse musical traditions in recent years, we have yet to fully tap into the power of that same technology to sustain and nurture music, musical creators, and their audiences. As T. S. Elliot once said: "You are the music while the music lasts."

The fundamental purpose of .music is to help ensure that the music CAN last. The mission of .music is to serve artists, musicians, songwriters and music professionals that support them through a Top-Level Domain (TLD) that promotes music and nurtures the art.

The .music TLD will provide the global community of music makers, music educators, music advocates, and music professionals with a unique identifier on the Internet that respects and supports intellectual property rights and facilitates the advancement of music education. The .music TLD will facilitate global collaboration among, and promote the musical identity of artists, musicians, songwriters and the professionals that support them, as well as music educators and arts-oriented policy makers through a relevant and shared website and email address suffix. The .music TLD will facilitate music creation, career development, promotion and distribution, and will serve as the artist's ally and advocate. Our goal is to make the .music TLD transform the current landscape by addressing the needs of artists, musicians, bands and songwriters who are looking for new ways to promote themselves and their creative work in the face of economic challenges and technology shifts that have eroded the efficacy of traditional methods of promotion.

These economic challenges and technology shifts have led many to assume that the benefit of those who produce, play or practice the art of music is at loggerheads with those who consume it. The .music TLD challenges that notion by focusing on the one thing they both have in common: a passion for music. For the music to last, there has to be a balance between the needs and desires of both. The .music TLD as envisioned will strive to do just that. Providing the music community a safe and secure platform will mitigate the fears that plague and limit the natural desire of those who produce, play or practice the art of music to express themselves and seek wider distribution for their work. In turn, this provides a wider, deeper and richer content experience for the fans and consumers of music. The era of perceived friction between the producers and consumers of music is about to end, as both find a new platform where their mutual interests and desires coalesce for the combined greater benefit.

With enhanced visibility, security and protection, the .music TLD will change how we interact with music entities on the Internet. Far Further's vision is to be a greenhouse for musical creativity and a concourse for the promotion of music creators, resulting in frictionless delivery of their music to global audiences in an environment that respects their creative works and the rights of artists. In short, it will serve as a nexus between the music community and the Internet.

As musicians, we are challenged to keep pace with changing technology and constantly-evolving methods of accessing music. It is well known that one of the greatest concerns of this community is the protection of intellectual property (IP) rights. Part of our mission is to provide a domain with safeguards from abuse and to take appropriate measures to protect the rights of creators and owners. As a restricted TLD, .music will effectively support the community's interests in protecting IP rights and will be unavailable to those known to operate outside the legal IP paradigm.

18(b). How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

How do you expect that your proposed gTLD will benefit registrants, Internet users, and others? Answers should address the following points:

1. What is the goal of your proposed gTLD in terms of areas of specialty, service levels, or reputation?

Our goal is to work with members of the global music community to create a trusted, secure and restricted TLD for accredited members of the music community. The dotMusic Registry will provide qualifying registrants the opportunity to register their preferred domain name in a safe, reputable and globally accessible TLD. Registrants will be identified and validated as members of the music community through their existing and maintained membership in existing associations related to the creation and support of music.

The World Wide Web today features a large number and enormous variety of music-related websites. While our business model depends only on modest uptake in the early years, we anticipate that as the .music TLD demonstrates the trust and security of a specialized namespace over time, more and more music-related content and related economic transactions will be moved to the .music TLD from current gTLD and ccTLD domains.

- The .music TLD will meet or exceed the ICANN's availability requirements. The .music TLD will operate as an exemplary registry, using best practices and deploying appropriate technology to safeguard creative rights, providing end users assurance about the identity and community qualifications of the

TLD's registrants.

- The .music TLD will use a variety of online scanning tools that search for key words that are commonly used to signal the availability of music distributed without appropriate authorization or in violation of intellectual property rights to aid in mitigating copyright infringement for the music community in general.
- The .music TLD will maintain a reputable marketplace for end-users through our general abuse policies and their active enforcement.

2. What do you anticipate your proposed gTLD will add to the current space, in terms of competition, differentiation, or innovation?

Among ICANN's core values is a fundamental commitment to "Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest." The dotMusic Registry will be a new direct competitor to the current group of global generic TLDs, offering an entirely music-focused environment and branding. Our business plan is to serve musicians in economically-developed, as well as key growing international markets, who will benefit from a TLD registry dedicated to address the unique needs of its community.

The dotMusic Registry's differentiation will be "supporting and sustaining musical creativity through respect for intellectual property". More than any of the current community-focused gTLD registries, we will provide end-users a domain space that assures them of the community qualifications and identity of a registrant. The reputation of that registrant is tied to their domain registration through verification of their membership standing by their applicable music association. The dotMusic Registry will directly verify a registrant's affiliation with a qualifying music association member both at initial application and through annual reviews of each association. Intrinsicly, this adds the reputational weight of many music associations (through our .music registrants) to that of the domain name.

The dotMusic Registry's innovation will focus on two areas: 1) The restricted registrant participation of our string, which we believe is an ideal combination of inclusiveness for all music associations and their members AND validation of community standing, and 2) Our enhanced abuse management programs to ensure the sustainability of the artist and songwriter through protection of their creations.

New gTLD registries have largely focused on North America and European marketplaces. Since music is the "universal language", as the dotMusic Registry, we will offer the .music TLD to international markets, with the goal of a truly global distribution of registrants. To further serve the international market, the dotMusic Registry may at its option, offer the IDN equivalents of .music in other scripts/languages.

Our intent is to operate .music with a focus on trust and security for the .music brand. This entails running a robust rights protection program from initiation, which in our case meets - and significantly exceeds - ICANN's requirements. We will engage an abuse-detection and prevention team, as well as bring on board an experienced and disciplined management team. These, along with other strong provisions (detailed in our answers to 28, 29 and 30), will enable us to act where registrars are remiss in their responsibilities. The dotMusic Registry will have the potential to set new standards for the reduction and mitigation of domain abuse.

3. What goals does your proposed gTLD have in terms of user experience?

The purpose of .music is to provide an online "home" to registrants identified as members of the .music community to hold active registrations for their name or online identity/brand. The Internet user will know that they are dealing with a registrant that is identity-verified and compliant in their use and distribution of intellectual property. This assurance allows Internet users of the .music TLD to have high expectations of trust and security regarding content purchased or consumed. These are intrinsic in the qualifications associated with our defined community.

The dotMusic Registry will deploy DNS Security Extensions, also known as DNSSEC, for the .music TLD. DNSSEC will help prevent data integrity attacks, and the risk of users being diverted or hijacked to malicious or unsafe sites, which often are involved in identity theft. DNSSEC deployment will ensure that visitors to .music domain names are in fact reaching their intended website and not subject to malicious activity such as phishing or identity theft. We will also abide by all policies and practices required by ICANN in the Registry Agreement and/or via any Consensus Policy.

In support of this registration requirement, we make a firm commitment to protecting users of our TLD and to maintaining the TLD as a reputable space. Our .music will have powerful policies and procedures for dealing with abusive registrations, and the illegal or malicious use of domain names. We describe those plans fully in our response to Question 28 ("Abuse Prevention and Mitigation").

The introduction of .music will include a rollout planned with a primary goal of protecting trademark rights and intellectual property. We describe those plans fully in our responses to Question 18(c) and Question 29 ("Rights Protection Mechanisms").

Users of the .music TLD will also have the use of the WHOIS service; registrants and other contacts will have their contact details available via WHOIS. Please see our answer to Question 26 regarding "searchable WHOIS" and rate-limiting. Limiting the mining of WHOIS data will mitigate spammers and other malicious parties who abuse access to WHOIS services by mining the data for their own illegitimate purposes.

Provide a complete description of the applicant's intended registration policies in support of the goals listed above.

Musical artists, musicians, songwriters and music professionals who are validated members of a qualifying music association will be permitted to register second level names (name, online identity/brand) in the .music TLD. As such, the TLD will have a restricted registration policy so that Internet users are assured that a .music registrant is in fact a member of at least one or more Member Organizations in the Global Music Community. The TLD is supported by music organizations and associations from around the globe, and will be available to registrants in all areas of the world. Since many qualifying music associations themselves are global in nature and/or accept membership from individuals globally, we anticipate rapid international participation. Domain registrations may be accepted, but will not resolve until the registrant has been identified and validated as a member of the music community via their membership in at least one existing association related to the creation and support of music. Second

level .music domain names can be registered by individuals, businesses and not-for-profit entities.

Members of the community of musical artists, musicians, songwriters, and music professionals have highly varying needs and use websites in a wide variety of ways. In addition, because .music will operate as a global registry from inception, formatting flexibility is required to accommodate bandwidth constraints that may be experienced in the developing world. Accordingly, the registry will not mandate any particular formatting or usage. Registrants must, however, hold valid rights to all materials displayed on and/or distributed through their specific site. We anticipate this will result in innovative and creative websites by .music registrants.

Reserved Names:

In .music we will reserve the following classes of domain names, which will not be available to registrants via the Sunrise or subsequent periods:

- The reserved names required in Specification 5 of the new gTLD Registry Agreement.
 - The geographic names required in Specification 5 of the new gTLD Registry Agreement, and as per our response to Question 21. See our response to Question 22 ("Protection of Geographic Names") for details.
 - The registry operator will reserve its own name and variations thereof, and registry operations names (such as nic.music, and registry.music,) so that we can point them to our Web site. Reservation of the registry operator's names was standard in ICANN's past gTLD contracts.
 - We will also reserve names related to ICANN and Internet standards bodies (iana.music, ietf.music, www.music, etc.), for delegation of those names to the relevant organizations upon their request. Reservation of this type of name was standard in ICANN's past gTLD contracts.
- The list of reserved names will be published publicly before the Sunrise period begins, so that registrars and potential registrants will know which names have been set aside.

Premium Names:

- The dotMusic Registry will also designate a set of "premium names," which will be set aside for distribution via special mechanisms. Premium names have been a standard feature of gTLD and ccTLD rollouts since 2005. The list of premium names will be published publicly before the Sunrise period begins, so that registrars and potential registrants will know which names have been set aside.
- Premium names will be distributed by application only. We will accept applications that describe intended use of a given premium name that best supports the development of the .music community consistently with its defining criteria. The policies and procedures for receiving, reviewing, and awarding premium name applications will be posted on the .music web site in advance, based on input from the .music Policy Advisory Board. We will create policies and procedures that ensure clear, consistent, fair, and ethical distribution of names. For example, all employees of the dotMusic Registry operator, and its contractors, will be strictly prohibited from bidding in auctions for domains in the TLD. As an additional protection for Rights Holders we will continue to use the Trademark Clearinghouse during General Availability (Trademark Claims Service) for an additional 60 days, for notifications of new registrations only where the string is a complete match with a filing in the Trademark Clearinghouse. Additionally, we will address this process asynchronously to the registration process and in consideration of the technical capabilities/limitations of the Trademark Clearinghouse, once an implementation model for the Clearinghouse has been finalized.

Dispute Resolution Mechanisms:

- Registrants and rights holders will have access to several dispute mechanisms. These are fair and transparent processes to adjudicate claims to domain names, and they also protect registrants against reverse domain hijacking.
- Names registered in the Sunrise Period will be subject to a Sunrise Dispute Policy. This policy and procedure will be in effect for a finite time period, to provide special protection of qualified trademark rights. Please see our response to Question 29 ("Rights Protection Mechanisms") for full details.
- As required by ICANN, .music domains will be subject to the Uniform Dispute Resolution Policy (UDRP). Please see our response to Question 29 ("Rights Protection Mechanisms") for full details.
- As required by ICANN, .music domains will also be subject to the Universal Rapid Suspension (URS) policy. See the URS specifications in Applicant Guidebook Module 5. Please see our answer to Question 29 ("Rights Protection Mechanisms") for full details about how we will provision for our URS responsibilities.
- We will provision systems to take in and administrate cases as per ICANN's Registrar Transfer Dispute Resolutions Policy (<http://www.icann.org/en/transfers/dispute-policy-12jul04.htm>) This process will allow registrars to protect registrants by filing disputes about inter-registrar transfers that they believe were unauthorized or improperly executed.
- MEDRP: .music will support the Music Eligibility Dispute Resolution Requirements Procedure. This dispute mechanism will be available to members of the .music community and end-users to file claims against registrants of the .music domain for violations of the .music eligibility and use community rules and policies. We will select an adjudication service from the list of ICANN approved arbitrators to facilitate MEDRP claims (please see Q28 and Q29 for further details).

Will your proposed gTLD impose any measures for protecting the privacy or confidential information of registrants or users? If so, please describe any such measures.

We will have several measures for protecting the privacy or confidential information of registrants or users.

- Please see our answer to Question 26 regarding "searchable WHOIS" and rate-limiting. That section contains details about how we will limit the mining of WHOIS data by spammers and other parties who abuse access to the WHOIS.
- Please also see our answer to Question 28, regarding the use of proxy and privacy services. We will allow the use of such services, where they comply with ICANN policies and requirements, which can protect the privacy and personal data of registrants from spammers and other parties that mine zone files and WHOIS data. If ICANN establishes a privacy/proxy service accreditation program, registrars will be

required to use accredited providers only. We are aware that there are parties who may use privacy services to protect themselves from political or religious persecution, and we respect this need. In Question 28, we also describe our proposed policies to limit the use of privacy and proxy services by malicious parties, thereby reducing e-crime within the TLD.

- As per the requirements of the new gTLD Registry Agreement (Article 2.17), we shall notify each of our registrars regarding the purposes for which data about any identified or identifiable natural person ("Personal Data") submitted to the Registry Operator by such registrar is collected and used, and the intended recipients (or categories of recipients) of such Personal Data. (This data is basically the registrant and contact data required to be published in the WHOIS.) We will also require each registrar to obtain the consent of each registrant in the TLD for such collection and use of Personal Data. As the registry operator, we shall not use or authorize the use of Personal Data in a way that is incompatible with the notice provided to registrars.

- As the registry operator we shall take significant steps to protect Personal Data collected from registrars from loss, misuse, unauthorized disclosure, alteration, or destruction. In our responses to Question 30 ("Security Policy") and Question 38 ("Escrow") we detail the security policies and procedures we will use to protect the registry system and the data contained there from unauthorized access and loss.

- As registry operator we plan to use ICANN accredited registrars who agree to a variety of information technology policies and procedures designed to verify registrant eligibility, validate registrant contact data, and protect registrant data from unauthorized access, use, or alteration. These may include standards for access to the registrar and registry system, password management protocols. Please see our response to Question 30 ("Security Policy") for details.

- We also plan to offer a "registry lock" service, designed to help protect participating registrants' contact data from unauthorized modification, and against unauthorized domain transfers and deletions. Please see Questions 23 ("Registry Services") for details.

Describe whether and in what ways outreach and communications will help to achieve your projected benefits.

Our goal for .music is to create a trusted brand and secure name space for accredited members of the .music community. To achieve this, we will emphasize distribution channels internationally - not just in one or more focused regions. Our business plans call for focused outreach through our accredited community associations, who in connection with verifying registrant eligibility, may interact directly with ICANN-accredited registrars that have demonstrated their ability and willingness to adhere to the .music standards. As part of that relationship development, we will design our communication approach to initially target those accredited music associations seeking to work with registrars to distribute .music domains as potential resellers to their members.

We anticipate that ICANN's outreach and communications program will benefit all new gTLDs. Media coverage about the availability of new TLDs will validate and reinforce our efforts. The more that members of the .music community understand that new TLDs are available, the faster they are likely to adopt our .music registrations and other new TLDs.

18(c). What operating rules will you adopt to eliminate or minimize social costs?

1. How will multiple applications for a particular domain name be resolved, for example, by auction or on a first-come/first-serve basis?

The dotMusic Registry will apply several mechanisms to provide a fair opportunity for potential registrants of the domain space while attempting to minimize related costs to IP holders of related strings.

As discussed in 18b iv, registrations methods will differ during the initial phases of the dotMusic Registry.

Phase 1 (Sunrise): Will be operated for a limited scheduled time period preceding Landrush and General Availability (90 days).

- Sunrise: Sunrise periods have evolved steadily over the past years during the launch of numerous TLDs such as .Info, .Biz, .Mobi, .Tel, .Me, .XXX and others. We intend to leverage what we have learned from these efforts to present a balanced approach that provides efficiencies for intellectual property (IP) holders, as well as a fair opportunity to register strings they believe apply to their IP. The dotMusic Registry will take applications during a time defined Sunrise period for all holders of internationally recognized filed trademarks or possibly holders of existing (legacy) gTLD domain strings that are a perfect match to the applied-for .music string as valid IP holders. These trademarks will be validated by a qualified 3rd party service provider (note: at this time it is unclear if this party must be an ICANN-named service provider related to the Trademark Clearinghouse but we will comply with any finalized requirement in this regard) and legacy gTLD strings must be verified as being held by the applicant prior to defined calendar date. Applicants will have to identify and declare their associative membership in an accredited music association, who will be informed of their declaration and given a defined time schedule. All these validations must be passed before the application is accepted.

- Not knowing exactly how the Trademark Clearinghouse will be implemented, we envision being able to check Sunrise applications periodically against trademarks registered in the Trademark Clearinghouse. If a match is found, and the IP associated with the application is deemed valid, we anticipate being able to contact the party that registered the matching string in the Trademark Clearinghouse and inform them that there is a Sunrise application currently submitted that matches their string. This allows the IP holder to only participate in the Sunrise application process if there is an application against a string they have a recognized trademark against.

- In the event there is more than one valid Sunrise application for a given string, the awarding will be determined by an auction process.

Phase 2: Operated during a scheduled time period preceding General Availability.

- Land Rush: Land Rush is designed to minimize speculation in a secondary domain marketplace and

therefore reduce costs for registrants. During this period, non-IP related registration applications are accepted for a defined time period. In the event that there are multiple qualified .music applications for the same domain, the awarding of the string will be determined by an auction process. Community registration restrictions for potential registrants still apply.

Phase 3: General Availability.

After Land Rush is completed, we believe IP related and speculative registrations have been addressed with efforts to minimize the costs to potential registrants and provide a fair opportunity for registration. At this time it is appropriate to open the dotMusic Registry in its regular operating state, accepting live registrations on a first-come, first-serve basis; provided, however, that all prospective registrants must demonstrate their membership in an accredited music association

2. Explain any cost benefits for registrants you intend to implement (e.g., advantageous pricing, introductory discounts, bulk registration discounts).

The focus of the dotMusic Registry is to create a trusted and protected namespace for the .music community. We will constantly analyse pricing in the TLD marketplace in consideration of providing .music registrants advantageous pricing, discounts/rebates or bulk registration discounts/rebates. We reserve the right to modify our pricing as market conditions dictate.

3. Note that the Registry Agreement requires that registrars be offered the option to obtain initial domain name registrations for periods of one to ten years at the discretion of the registrar, but no greater than ten years. Additionally, the Registry Agreement requires advance written notice of price increases. Do you intend to make contractual commitments to registrants regarding the magnitude of price escalation? If so, please describe your plans.

We do not plan to make specific price escalation contractual commitments to our registrants. We believe that ultimately, our community market and the recognized value of our community compliance monitoring and enforcement will determine the viability of our pricing. Accordingly we intend to maintain the freedom to set pricing first, in accordance with any related ICANN and/or Registry Agreement criteria, and second, with the demands of what our community marketplace will bear.

Community-based Designation

19. Is the application for a community-based TLD?

Yes

20(a). Provide the name and full description of the community that the applicant is committing to serve.

.MUSIC LLC was created with the express intent and purpose of serving a community established and known worldwide, which despite location, culture or genre, is identified and united by a single word: "music". The .music TLD we envision is built on a commitment to foster musical creativity while protecting intellectual property rights. This commitment is evidenced via the bona fide support of the most representative, credible, diverse and sizeable organizations that comprise the global music community -- a community which is made up of the people who create music and the professionals that support them. The music community is dedicated to faithfully and concurrently meeting the needs of both "creators" and "consumers" of music alike.

The Global Music Community (GMC) is comprised of an international range of associations and organizations and the millions of individuals these organizations represent, all of whom are involved in the creation, development, publishing, recording, advocacy, promotion, distribution, education, preservation and or nurturing of the art of music.

To date, there are forty-two (42) clearly delineated, organized and pre-existing music community organizations that have provided individual written statements of support. This unparalleled level of global music community representation is referred to as the Charter Member Organizations of the Global Music Community (GMC). Collectively they represent over 4 million individual members within more than 1,000 associations in over 150 countries. Although these Charter Member Organizations are not the exhaustive list of every possible organizational member of the GMC, they do represent the largest, most well known, credible, and diverse membership of the GMC. Our application for .music is therefore designated as community based, and should be included in a community priority evaluation.

The structure of the music community is organized through diverse symbiotic and sometimes overlapping segments. Although the following list reflects core activities there is a great deal of community intersection and cross-pollination. The GMC structure can be generally illustrated by the following descriptive constituent categories:

Music Community organizations and associations whose principal focus is representing music creators, artists, songwriters, composers, publishers, record companies, and whose activities include product creation and development, promotion, distribution and the advocacy and protection of creative rights:

1. American Federation of Musicians in the U.S. and Canada (AFM)
2. American Association of Independent Music (A2IM)
3. Association of Independent Music (AIM)
4. Australian Recording Industry Association (ARIA)
5. Church Music Publishers Association (CMPA)
6. Guitar Foundation of America (GFA)
7. Indian Music Industry (IMI)
8. Independent Music Companies Association (IMPALA)
9. International Bluegrass Music Association (IBMA)
10. International Confederation of Music Publishers (ICMP)
11. International Federation of Musicians (IFM)
12. International Federation of Phonographic Industries (IFPI)
13. Music Canada
14. Music Publishers Association of the United States (MPA)
15. National Association of Recording Merchandisers-digitalmusic.org (NARM)
16. National Music Publishers Association (NMPA)
17. National Songwriters Association (NSA)
18. Phonographic Performance LTD (India)
19. Recording Industry Association of America (RIAA)
20. Songwriters Guild of America (SGA)

Music Community organizations and associations whose principal focus is the licensing, collection and distribution of fees for performance and mechanical rights:

21. Alliance of Artists and Recording Companies (AARC)
22. American Society of Composers, Authors and Publishers (ASCAP)
23. Australasian Mechanical Copyright Owners' Society (AMCOS)
24. Australasian Performing Right Association (APRA)
25. Broadcast Music, Inc. (BMI)
26. Bureau International Des Societies Gerant Les Droits D'enregistrement et de Reproduction Mecanique (BIEM)
27. Indian Performing Right Society Limited (IPRS)
28. International Confederation of Authors and Composers Societies (CISAC)
29. PRS for Music (UK)
30. SESAC
31. Soci  t   d'Auteurs Belge - Belgische Auteurs Maatschappij (SABAM)
32. Soci  t   des Auteurs et Compositeurs de Musique (SACAM)
33. SoundExchange

Music Community organizations and associations, guilds, agencies and forums that provide a broad spectrum of professional support dedicated to, and from within, the music community:

34. Music Managers Forum (MMF) UK
35. Music Managers Forum (MMF) US
36. Music Producers Guild (MPG) UK/EU
37. National Association of Music Merchants (NAMM)

Music Community institutions, organizations, councils and associations who engage in the education, preservation, nurturing and advocacy of the music community that includes artistic, cultural and governmental institutions, national and international music councils and community outreach and advocacy organizations:

38. European Music Council (EMC)
39. National Music Council of the United States (NMC)
40. National Association for Music Education (NAfME)
41. International Music Council (IMC)
42. The Recording Academy (The GRAMMY Organization)

.MUSIC LLC is the only entity to receive the support and endorsement of the preceding music community organizations and associations in its application for the .music TLD. This unprecedented global demonstration of support from the Community is indicative of its unified political will and the strength of its belief that .music should be awarded to .MUSIC LLC.

Internet users, like the rest of us, engage in the discovery and enjoyment of music that has been created and made available by music makers and the professionals that support them. The differentiation between general Internet users and members of the music community are clearly delineated by two well defined-criteria. They are:

1. Active participation in the creation and development of music, its advocacy and promotion, its professional support, the protection and preservation of the music community's creative rights, as well as the nurturing of the art through music education.
2. Current registration and verifiable membership in a global music community organization that was organized and in existence prior to 2007 (as per ICANN guidelines) who are active participants in the support and representation of the creation and development of music, its advocacy and promotion, its professional support, the protection and preservation of the music community's creative rights, as well as the nurturing of the art through music education.

Music community associations date back to the 19th century. Our oldest Member Organization is the Soci  t   des Auteurs et Compositeurs de Musique, founded in 1860. In 1895, the Music Publishers Association of the United States was founded followed by the formation of the American Federation of Musicians in 1896. The 20th century witnessed the formation of the bulk of the organized music community. The 21st century ushered in the formation of the IMPALA in 2000, SoundExchange in 2003 and the American Association of Independent Music in 2005.

This community has been at the forefront of the creation, development, distribution, support, preservation, education and nurturing of music for more than a century - most recently culminating in their support for .MUSIC LLC's application for the .music TLD as described in 20b.

The current addressable community membership is based on conservative calculations that take into account that some members may have memberships in several Member Organizations or national organizations that are also members of International or umbrella organizations. After adjusting for these factors, we estimate a current addressable community to be greater than four million unique members in more than 150 countries.

20(b). Explain the applicant's relationship to the community identified in 20(a).

.MUSIC LLC has been at work obtaining the support of the of the Global Music Community (GMC) since 2008. Please see our answer to Q45 for details on our history and efforts from that date.

In 2011 .MUSIC LLC along with other potential applicants, expressed their interest in operating a .music TLD and reached out to several organizations, representing a broad cross section of the GMC, to garner their support and endorsement. These organizations, in turn, issued an extensive Request for Information (RFI) to solicit information from at least seven (7) potential applicants. The RFI asked for credentials, vision and specific plans to operate a .music TLD, including all aspects of registry operation, IP and trademark protection, and governance structure. All applicants presented their responses first in writing and then in person in New York City to a panel of senior-level executives of music organizations representing the global music community. Based on our proposed plans and policies, coupled with our long-standing professional involvement in the Community, .MUSIC LLC was the only entity selected to receive the collective support of these associations in its application for .music.

.MUSIC LLC's ties to the music community are the result of decades of direct personal and professional involvement.

Loren Balman, .music's CEO and John Styll, .music's President are both members of The Recording Academy. Loren Balman is a member of the American Society of Composers, Authors and Publishers (ASCAP) as a songwriter and as a publisher. .MUSIC LLC is a member of the National Association of Recording Merchandisers. .MUSIC LLC's Chairman Cal Turner also owns a music publishing company and has relationships with all three of the U.S. performance rights organizations: ASCAP, BMI and SESAC. In addition .MUSIC LLC's executive team has decades of professional experience in the music community. See executive bios below of each member of the executive team:

- Loren Balman, CEO, is a 30-year veteran of the music and entertainment business with diverse corporate experience. As a record label executive and by way of Artist Development, Marketing and Production, he has earned more than 30 Gold and Platinum records, a Grammy nomination and five Dove Awards.
- John Styll, President & COO, is an entrepreneur who founded a music magazine publishing company in 1978 and served as its CEO for 23 years. This experience in music journalism led to a seven-year stint as head of two music trade associations.
- John Frankenheimer, General Counsel, is Partner and Chairman Emeritus of the international entertainment and intellectual property law firm Loeb & Loeb. John has been at the epicenter of the music community as a trusted advisor to its leadership.
- Paul Zamek, VP of Global Community Development, is a veteran of the international music industry and native of South Africa. Paul has served as the US President/CEO of European Multimedia Group Inc. and as VP/General Manager of Capitol/EMI Records, South Africa.
- Keith Thomas, VP of Artist Relations, is a six-time Grammy-winning producer and songwriter with 40 Billboard #1 hits to his credit. Keith has worked with an elite spectrum of artists including Katy Perry, Vanessa Williams, Luther Vandross, Amy Grant, Jessica Simpson, Gladys Knight and many others.

Accountability mechanisms.
The dotMusic Registry will establish a Policy Advisory Board (PAB) before launch of the TLD. The role of the PAB will be part of the .MUSIC LLC's contract with ICANN, the Registrar-Registry Agreement and the Registrant Agreement.

The PAB will be comprised of twenty-one (21) members representing the Charter Member Organizations of the Global Music Community. These representatives will serve on a voluntary basis and with for no more than two consecutive terms. As the organizational membership in the GMC grows, additional candidates will have the opportunity to be nominated and elected for subsequent terms.

The PAB is expected to collect input, provide insight and feedback on policies and procedure governing registration and accreditation criteria. Specifically, the PAB will oversee Registrant Accreditation Criteria and help evaluate enforcement mechanisms, including appeal procedures to ensure the protection of intellectual property rights in the .music TLD. Reasonable deference shall be given to the PAB with respect to issues dealing with the copyright protection and the promotion of non-infringing music alternatives, and reasonable deference shall be given to the dotMusic Registry concerning the technical, business and marketing operations of the TLD. They will also jointly determine a process by which policies would be reviewed, modified, or amended. These policies include, but are not limited to the following areas:

- (a) Registrant qualifications;
- (b) Community Organization/Association accreditation qualifications;
- (c) Naming conventions for .music domain names;
- (d) What activities may or may not be undertaken on web sites and through the use of other Internet resources associated with a .music domain name;
- (e) What steps registrants will be required to take to warrant that all uses of music on their sites are fully licensed and legitimate.
- (f) How policies will be enforced, including but not limited to enforcement through action upon complaints received; proactive compliance audits; suspension or termination of domain name registrations; and disqualification of parties from future participation in the .music TLD;
- (g) Procedural rights and remedies of registrants and of interested third parties (e.g., copyright or related rights holders) in the enforcement and appeal process; including
 - i. Appeal process and procedures for registrants whose domain name was subject to suspension or deletion by the dotMusic Registry following audit, verification and enforcement procedures;
 - ii. Appeal process and procedure for registrars whose .music accreditation and subsequent Registry-Registrar contract was suspended or terminated by the dotMusic Registry following audit, verification and enforcement procedures;
- (h) Policy terms and conditions under which registrars will be authorized to handle registrations in the .music TLD;
- (i) All other policies substantially affecting the overarching goal of having the .music TLD as a venue for properly licensed music.

At the request of the PAB, The dotMusic Registry will provide an arbitration process, in the event the PAB believes the dotMusic Registry has not implemented the policies agreed to by the Registry and the PAB, or that the Registry has implemented a policy that does not reflect a consensus of the PAB. Both the dotMusic Registry and the PAB will be bound by the results of this arbitration.

Without prior review from the PAB, the dotMusic Registry will not seek a contract modification from ICANN regarding operation of the TLD; nor seek ICANN approval for a new registry service, as required by the .MUSIC LLC's contract with ICANN.

The dotMusic Registry will brief the PAB quarterly regarding implementation and enforcement of its policies including but not limited to: (a) Complaints received of non-compliance, and timing and substance of actions taken in response to such complaints; (b) Results of pro-active compliance audits undertaken, and action taken by dotMusic Registry in response to audit findings; (c) Numbers and promptness of take-downs of infringing URL's, infringing material, or suspensions or terminations of domain name registrations, (d) Overview and outcome of registrant and registrar appeal cases. The dotMusic Registry will indemnify the members of the PAB for any claims arising from the authorized activities of the PAB, unless such activities violate ICANN policies or rules of law.

20(c). Provide a description of the community-based purpose of the applied-for gTLD.

These following values are shared by all existing and potential Member Organizations of the GMC and serve as the community based purpose of the .music TLD :

- o Support and encouragement for equal access to musical education
- o Support and respect for all who express themselves musically
- o Support for the right for universal participation
- o Support for musical artists to develop their artistry and communicate through all media, and all distribution channels at their disposal
- o Preservation of the global musical heritage
- o Support the right for music creators to obtain fair recognition and remuneration for their work.
- o Commitment to universal protection of creative and intellectual property rights.

The .music TLD is intended to serve the interests of the global community of individuals and organizations engaged in the creation, development, distribution, and promotion of music, as well as the education of musicians and audiences alike. The creation of .music will enable a unique but encompassing identifier for the collective community of artists, musicians, songwriters, teachers, and the professionals who support them with a shared commitment to fostering musical creativity and the protection of intellectual property rights. The .music TLD will enact policies and procedures to protect, safeguard, nurture and promote the interests of the music community. Protective policies and procedures would inhibit abusive practices such as copyright infringement resulting from peer to peer (P2P) sharing, illegal digital distribution, and any type of Intellectual Property infringement involving the DNS. Doing so helps to ensure the financial viability of the artist and/or intellectual property owner. The music community cannot be sustained without protecting the value of its creation.

Registration policies will safeguard the exclusive nature of the community by requiring potential registrants to have a bona fide membership with an at least one Organization Member of Global Music Community, before they can acquire a .music address. This helps examine and affirm the motivation of the registrant, since all community member organizations must meet qualifications that support the communities shared values.

The dotMusic Registry will nurture music by funding education endowments, as well as providing the GMC member associations with an additional source of revenue. The dotMusic Registry will create a .music Foundation and contribute \$1 for every domain registration sold at full wholesale price. This fund would be administered by the dotMusic Registry's Policy Advisory Board who will determine the recipients of the endowment. These funds may be distributed to support music education, creative and intellectual property rights protection, music community benevolence organizations, or other music related financial aid. Member Organizations of the Global Music Community will also be able to sell second-level .music domain names as domain name resellers. Those resellers who opt to use .music's Application Programming Interface (API) will receive shared revenue for each registration that comes from within their membership through the integrated API system.

Our ultimate purpose is to sustain the art of music so that more and more people can enjoy music.

20(d). Explain the relationship between the applied-for gTLD string and the community identified in 20(a).

Q20(d) Explain the relationship between the applied for gTLD to the community identified in qQ20 (a). Explanations should clearly state:

- relationships to the established name, if any, of the community

An often-cited definition of music, coined by Edgard Varèse

(http://en.wikipedia.org/wiki/Edgard_Var%C3%A8se) is that it is "organized sound" (Goldman 1961, 133). The fifteenth edition of the Encyclopædia Britannica explains, "while there are no sounds that can be described as inherently unmusical, musicians in each culture have tended to restrict the range of sounds they will admit."

Webster's defines music as "the science or art of ordering tones or sounds in succession, in combination, and in temporal relationships to produce a composition having unity and continuity" (Webster's Collegiate Dictionary, online edition).

Therefore a human element in creating, organizing, or labeling something as music is crucial to the common understanding of music. Furthermore both the notion of science and art, require human participation or initiation. This would not only disqualify sounds, such as those produced by nature (these sounds are often described by the adjective "musical" but rarely the noun "music"), but also draws a direct connection to the human based and recognizable community responsible for its creation, production, instrumentation, promotion and education.

The global community of music makers, educators, advocates, and professionals described as the Music Community, have a single identifying label that unites them all, despite location, culture, or specialty.

That nexus is one and only one simple word: "Music".

Therefore the choice of "music" as a string is important, since the ".music" TLD will extend this common link into a common platform to, promote the musical identity of artists, musicians, songwriters and the professionals that support them, as well as music educators, music advocates and policy makers through a relevant and shared website and email address suffix.

- relationship to the identification of community members

Every member organization/association, and their membership in turn, identifies their primary purpose to be directly related to either the science or the art of "music". There is no other term for which the songwriters, composers, performers, singers, instrument makers, music promoters, producers and owners can all relate to as their common descriptor.

The people who create, write, record, perform, develop, teach, preserve, nurture, promote, distribute and sell music, think of themselves as members of the music community. "Music" is the one tribal identity that is global.

- any connotations the string may have beyond the community

The term or string "music" is also relevant for the consumers or fans of music. Although the music lover or consumer is not defined as part of the Global Music Community, they DO share a common bond: a passion for music. The music lovers and consumers are very much a sustaining force and the "raison d'être" for the Global Music Community.

As mentioned before in our answer to Question 18, for far too long the interests of the creators were assumed to be at odds with the interests of the consumers. We note that not only do both have something crucial in common: a passion for music, but also they have a symbiotic relationship. One cannot exist without the other. So although we acknowledge that our definition of the music community does not have individual consumers of music (unless they belong to one of the Member Organizations of the Global Music Community) we are adamant that everything we do, is ultimately so that more and more people can enjoy music and thus foster its development and growth.

20(e). Provide a description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD.

e) Please provide a complete description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD.

The .music TLD will be a restricted domain space where second level .music domain names can be registered by eligible individuals, businesses and not-for-profit entities all around the globe. The following policies and mechanisms will be used to ensure support of the community-based purpose of the .music TLD:

1. Music Association/Organization membership:

Potential domain registrants must be members of or affiliated with at least one Member Organization of the Global Music Community. Domain registrations may be accepted, but will not resolve until the registrant's membership credentials have been verified. This will require verification of relevant membership data during the registration process. This membership will be crosschecked with the relevant Member Organization. Verification of continued membership is required for renewal, to ensure ongoing eligibility.

2. Registrant Agreement:

Presented during the registration process, this agreement will require registrant compliance with the dotMusic Registry rules and Acceptable Use Policy (for details see Q28).

3. Qualified Registrars and Member based Resellers:

.music domains will only be available via ICANN accredited registrars (and their resellers) with demonstrated technical capability who have agreed to comply with .music's Registry/Registrar Agreement. In order to ensure strict compliance with .music policy and offer the greatest opportunities to our community, the dotMusic registry will encourage Member Organizations of the GMC to become accredited resellers

In addition, .music will operate as a global registry from inception. Formatting flexibility is required to accommodate bandwidth constraints that may be experienced in the developing world. Accordingly, the dotMusic Registry will not mandate any particular formatting or usage.

Reserved Names:

dotMusic Registry will reserve the following classes of domain names, which will not be available to registrants via the Sunrise or subsequent periods:

- The reserved names required in Specification 5 of the new gTLD Registry Agreement.
- The geographic names required in Specification 5 of the new gTLD Registry Agreement, and as per our response to Question 21. See our response to Question 22 ("Protection of Geographic Names") for details.
- The registry operator will reserve its own name and variations thereof, and registry operations names (such as nic.music, and registry.music,), so that we can point them to our Web site. Reservation of the registry operator's names was standard in ICANN's past gTLD contracts.
- We will also reserve names related to ICANN and Internet standards bodies (iana.music, ietf.music, www.music, etc.), for delegation of those names to the relevant organizations upon their request. Reservation of this type of name was standard in ICANN's past gTLD contracts.

The list of reserved names will be public prior to the launch of the Sunrise period.

Premium Names:

- The dotMusic Registry will also designate a set of "premium names," which will be set aside for distribution via special mechanisms. Premium names have been a standard feature of TLD rollouts since 2005. The list of premium names will be public prior to the launch of the Sunrise period.
- Premium names will be distributed by application only. Applicants would be required to describe how the intended use of a given premium name will result in demonstrable benefits to the .music community. The policies and procedures for receipt, review, and award of premium name applications will be based on input from the PAB and will be posted on the dotMusic Registry web site in advance. The rules to ensure transparency, integrity and in the distribution of names, include but are not limited to:
 - a. Strict prohibition of all employees of the dotMusic Registry operator, and its contractors, against bidding in auctions or having any ownership or interest in a premium name applicant.
 - b. Use of the Trademark Clearinghouse during General Availability (Trademark Claims Service) for an additional 60 days, for notifications of new registrations only where the string is a complete match with a filing in the Trademark Clearinghouse.

Dispute Resolution Mechanisms:

- Registrants and rights holders will have access to several dispute mechanisms. These are fair and transparent processes to adjudicate claims to domain names, and they also protect registrants against reverse domain hijacking.
- Names registered in the Sunrise Period will be subject to a Sunrise Dispute Policy. This policy and procedure will be in effect for a finite time period, to provide special protection of qualified trademark rights. Please see our response to Question 29 ("Rights Protection Mechanisms") for full details.
- As required by ICANN, .music domains will be subject to the Uniform Dispute Resolution Policy (UDRP). Please see our response to Question 29 ("Rights Protection Mechanisms") for full details.
- As required by ICANN, .music domains will also be subject to the Universal Rapid Suspension (URS) policy. Please see our answer to Question 29 ("Rights Protection Mechanisms") for full details.
- We will provision systems to take in and administrate cases as per ICANN's Registrar Transfer Dispute Resolutions Policy (<http://www.icann.org/en/transfers/dispute-policy-12jul04.htm>). This process will allow registrars to protect registrants by filing disputes about inter-registrar transfers that they believe were unauthored or improperly executed.
- MEDRP: .music will support the Music Eligibility Dispute Resolution Procedure. This dispute mechanism will be available to members of the .music community and end-users to file claims against registrants of the .music domain for violations of the .music eligibility and use community rules and policies. We will select an adjudication service from the list of ICANN approved arbitrators to facilitate MEDRP claims (please see Q28 and Q29 for further details).

Eligibility: who is eligible to register a second-level name in the gTLD, and how will eligibility be determined.

- Potential domain registrants must be members of or affiliated with at least one Member Organizations of the Global Music Community. Domain registrations may be accepted, but will not resolve until the registrant's membership credentials have been verified. Please see the "Proposed .music Registration Process" attachment in our answer to Q48 for a step-by-step visual depiction of the process. Should the registrant fail to meet the eligibility criteria, they risk the suspension and ultimately deletion or loss of their domain name. Verification of continued membership is required for renewal, to ensure ongoing eligibility.

Name selection: what types of second-level names may be registered in the gTLD.

- Please see the Reserve Name policy detailed above. Beyond these, eligible registrants may register domains in compliance with the Registrant Agreement and its Acceptable Use Policy.

Content/Use: what restrictions, if any, the registry operator will impose on how a registrant may use its registered name.

- Registrants must hold valid rights to all materials displayed on and/or distributed through their specific site. Please see Q28 for details on .music's Acceptable Use Policy. The dotMusic registry will be regularly monitored potential violations and also provide a robust abuse reporting process for such violations noticed by others. Should the registrant be found in violation, they risk the suspension and ultimately deletion or loss of their domain name.

Enforcement: what investigation practices and mechanisms exist to enforce the policies above, what resources are allocated for enforcement, and what appeal mechanisms are available to registrants.

- The .music Registry/Registrar and the Registrant Agreements will include extensive monitoring, enforcement (up to and including take downs) as well as appeal provisions.
 - Monitoring
 - o The .music TLD will be monitored by online scanning tools such as those that search for keywords that are commonly used to identify the availability of music distributed without appropriate authorization or in violation of intellectual property rights. Suspected abuse from such automated search tools will flag an analyst from our abuse team (see Q28) who will then access and review the website to confirm the abuse. Neustar will enable .music analysts to suspend domain names as required.
 - o The dotMusic Registry will also use Abuse Mitigation Services to monitor, detect and mitigate domain name abuses (see Q29)

Enforcement and Appeal

- o Registrants in violation of the Registrant Agreement risk the suspension and ultimately deletion or loss of their domain name.
- o As detailed in our answer to Q28, failure to comply with the Registry/Registrar agreement will result in loss or revocation of registrar accreditation.
- o The dotMusic Registry will use standard dispute mechanisms (see Q28 and Q29), such as UDRP, URS etc. However, in the case of serious allegations of failure to meet community member eligibility requirements, we have created a MEDRP (Music Community Eligibility Dispute Resolution Procedure). This

dispute mechanism will be arbitrated by a third party approved by ICANN such as WIPO and will be binding on all parties (provisions will be named in the Registrant Agreement). Disputes may be initiated by community members or end-users; however, there will be reasonable limitations developed on the filing of disputes to prevent abuse of the mechanism. Please see our answer to Q20(b) under "Accountability mechanisms of the applicant to the community" for additional details on appeal procedures.

20(f). Attach any written endorsements from institutions/groups representative of the community identified in 20(a).

Attachments are not displayed on this form.

Geographic Names

21(a). Is the application for a geographic name?

No

Protection of Geographic Names

22. Describe proposed measures for protection of geographic names at the second and other levels in the applied-for gTLD.

Specification 5 of the New gTLD Registry Agreement requires the registry operator reserve all geographic names at the second level as well as any subordinate levels for which the operator controls and issues registrations. As per the draft registry agreement "the country and territory names contained in the following internationally recognized lists shall be initially reserved at the second level and at all other levels within the TLD at which the Registry Operator provides for registrations":

5.1)

the short form (in English) of all country and territory names contained on the ISO 3166-1 list, as updated from time to time, including the European Union, which is exceptionally reserved on the ISO 3166-1 list, and its scope extended in August 1999 to any application needing to represent the name European Union (http://www.iso.org/iso/support/country_codes/iso_3166_code_lists/iso-3166--1_decoding_table.htm#EU);

5.2)

the United Nations Group of Experts on Geographical Names, Technical Reference Manual for the Standardization of Geographical Names, Part III Names of Countries of the World; and

5.3)

The list of United Nations member states in 6 official United Nations languages prepared by the Working Group on Country Names of the United Nations Conference on the Standardization of Geographical Names;

Release of Geographic Names at the second or subordinate level (where managed and issued by the Registry Operator):

The dotMusic Registry has no current or immediate plans to release any of the aforementioned reserved geographic domains. The dotMusic Registry commits to, in the event this intention changes in the future, first develop agreements with the applicable governments affected by any proposed release, then bring said agreements and a full plan for the release of said geographic names to the Governmental Advisory Committee and ICANN for their approval.

Registry Services

23. Provide name and full description of all the Registry Services to be provided.

23.1 Introduction

.MUSIC LLC has elected to partner with NeuStar, Inc (Neustar) to provide back-end services for the .music registry. In making this decision, .MUSIC LLC recognized that Neustar already possesses a production-proven registry system that can be quickly deployed and smoothly operated over its robust, flexible, and scalable world-class infrastructure. The existing registry services will be leveraged for the .music registry. The following section describes the registry services to be provided.

23.2 Standard Technical and Business Components

Neustar will provide the highest level of service while delivering a secure, stable and comprehensive registry platform. .MUSIC LLC will use Neustar's Registry Services platform to deploy the .music registry, by providing the following Registry Services (none of these services are offered in a manner that is unique to .music):

- Registry-Registrar Shared Registration Service (SRS)
- Extensible Provisioning Protocol (EPP)
- Domain Name System (DNS)
- WHOIS
- DNSSEC
- Data Escrow
- Dissemination of Zone Files using Dynamic Updates
- Access to Bulk Zone Files
- Dynamic WHOIS Updates
- IPv6 Support
- Rights Protection Mechanisms

The following is a description of each of the services.

23.2.1 SRS

Neustar's secure and stable SRS is a production-proven, standards-based, highly reliable, and high-performance domain name registration and management system. The SRS includes an EPP interface for receiving data from registrars for the purpose of provisioning and managing domain names and name servers. The response to Question 24 provides specific SRS information.

23.2.2 EPP

The .music registry will use the Extensible Provisioning Protocol (EPP) for the provisioning of domain names. The EPP implementation will be fully compliant with all RFCs. Registrars are provided with access via an EPP API and an EPP based Web GUI. With more than 10 gTLD, ccTLD, and private TLDs implementations, Neustar has extensive experience building EPP-based registries. Additional discussion on the EPP approach is presented in the response to Question 25.

23.2.3 DNS

.MUSIC LLC will leverage Neustar's world-class DNS network of geographically distributed nameserver sites to provide the highest level of DNS service. The service utilizes Anycast routing technology, and supports both IPv4 and IPv6. The DNS network is highly proven, and currently provides service to over 20 TLDs and thousands of enterprise companies. Additional information on the DNS solution is presented in the response to Questions 35.

23.2.4 WHOIS

Neustar's existing standard WHOIS solution will be used for the .music. The service provides supports for near real-time dynamic updates. The design and construction is agnostic with regard to data display policy is flexible enough to accommodate any data model. In addition, a searchable WHOIS service that complies with all ICANN requirements will be provided. The following WHOIS options will be provided:

Standard WHOIS (Port 43)

Standard WHOIS (Web)

Searchable WHOIS (Web)

23.2.5 DNSSEC

An RFC compliant DNSSEC implementation will be provided using existing DNSSEC capabilities. Neustar is an experienced provider of DNSSEC services, and currently manages signed zones for three large top level domains: .biz, .us, and .co. Registrars are provided with the ability to submit and manage DS records using EPP, or through a web GUI. Additional information on DNSSEC, including the management of security extensions is found in the response to Question 43.

23.2.6 Data Escrow

Data escrow will be performed in compliance with all ICANN requirements in conjunction with an approved data escrow provider. The data escrow service will:

- Protect against data loss
- Follow industry best practices
- Ensure easy, accurate, and timely retrieval and restore capability in the event of a hardware failure
- Minimizes the impact of software or business failure.

Additional information on the Data Escrow service is provided in the response to Question 38.

23.2.7 Dissemination of Zone Files using Dynamic Updates

Dissemination of zone files will be provided through a dynamic, near real-time process. Updates will be performed within the specified performance levels. The proven technology ensures that updates pushed to all nodes within a few minutes of the changes being received by the SRS. Additional information on the DNS updates may be found in the response to Question 35.

23.2.8 Access to Bulk Zone Files

.MUSIC LLC will provide third party access to the bulk zone file in accordance with specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider.

23.2.9 Dynamic WHOIS Updates

Updates to records in the WHOIS database will be provided via dynamic, near real-time updates. Guaranteed delivery message oriented middleware is used to ensure each individual WHOIS server is refreshed with dynamic updates. This component ensures that all WHOIS servers are kept current as changes occur in the SRS, while also decoupling WHOIS from the SRS. Additional information on WHOIS updates is presented in response to Question 26.

23.2.10 IPv6 Support

The .music registry will provide IPv6 support in the following registry services: SRS, WHOIS, and DNS/DNSSEC. In addition, the registry supports the provisioning of IPv6 AAAA records. A detailed description on IPv6 is presented in the response to Question 36.

23.2.11 Required Rights Protection Mechanisms

.MUSIC LLC, will provide all ICANN required Rights Mechanisms, including:

- Trademark Claims Service
- Trademark Post-Delegation Dispute Resolution Procedure (PDDRP)
- Registration Restriction Dispute Resolution Procedure (RRDRP)
- UDRP
- URS
- Sunrise service.

More information is presented in the response to Question 29.

23.2.12 Internationalized Domain Names (IDN)

IDN registrations are provided in full compliance with the IDNA protocol. Neustar possesses extensive experience offering IDN registrations in numerous TLDs, and its IDN implementation uses advanced technology to accommodate the unique bundling needs of certain languages. Character mappings are easily constructed to block out characters that may be deemed as confusing to users..

23.3 Unique Services

.MUSIC LLC will not be offering services that are unique to .music.

23.4 Security or Stability Concerns

All services offered are standard registry services that have no known security or stability concerns. Neustar has demonstrated a strong track record of security and stability within the industry.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

24.1 Introduction

.MUSIC LLC has partnered with NeuStar, Inc ("Neustar"), an experienced TLD registry operator, for the operation of the .music Registry. The applicant is confident that the plan in place for the operation of a robust and reliable Shared Registration System (SRS) as currently provided by Neustar will satisfy the criterion established by ICANN.

Neustar built its SRS from the ground up as an EPP based platform and has been operating it reliably and at scale since 2001. The software currently provides registry services to five TLDs (.BIZ, .US, TEL, .CO and .TRAVEL) and is used to provide gateway services to the .CN and .TW registries. Neustar's state of the art registry has a proven track record of being secure, stable, and robust. It manages more than 6 million domains, and has over 300 registrars connected today.

The following describes a detailed plan for a robust and reliable SRS that meets all ICANN requirements including compliance with Specifications 6 and 10.

24.2 The Plan for Operation of a Robust and Reliable SRS

24.2.1 High-level SRS System Description

The SRS to be used for .music will leverage a production-proven, standards-based, highly reliable and high-performance domain name registration and management system that fully meets or exceeds the requirements as identified in the new gTLD Application Guidebook.

The SRS is the central component of any registry implementation and its quality, reliability and capabilities are essential to the overall stability of the TLD. Neustar has a documented history of deploying SRS implementations with proven and verifiable performance, reliability and availability. The SRS adheres to all industry standards and protocols. By leveraging an existing SRS platform, .MUSIC LLC is mitigating the significant risks and costs associated with the development of a new system. Highlights of the SRS include:

- State-of-the-art, production proven multi-layer design
- Ability to rapidly and easily scale from low to high volume as a TLD grows
- Fully redundant architecture at two sites
- Support for IDN registrations in compliance with all standards
- Use by over 300 Registrars
- EPP connectivity over IPv6
- Performance being measured using 100% of all production transactions (not sampling).

24.2.2 SRS Systems, Software, Hardware, and Interoperability

The systems and software that the registry operates on are a critical element to providing a high quality of service. If the systems are of poor quality, if they are difficult to maintain and operate, or if the registry personnel are unfamiliar with them, the registry will be prone to outages. Neustar has a decade of experience operating registry infrastructure to extremely high service level requirements. The infrastructure is designed using best of breed systems and software. Much of the application software that performs registry-specific operations was developed by the current engineering team and a result the team is intimately familiar with its operations.

The architecture is highly scalable and provides the same high level of availability and performance as volumes increase. It combines load balancing technology with scalable server technology to provide a cost effective and efficient method for scaling.

The Registry is able to limit the ability of any one registrar from adversely impacting other registrars by consuming too many resources due to excessive EPP transactions. The system uses network layer 2 level packet shaping to limit the number of simultaneous connections registrars can open to the protocol layer.

All interaction with the Registry is recorded in log files. Log files are generated at each layer of the system. These log files record at a minimum:

- The IP address of the client
- Timestamp
- Transaction Details
- Processing Time.

In addition to logging of each and every transaction with the SRS Neustar maintains audit records, in the database, of all transformational transactions. These audit records allow the Registry, in support of the applicant, to produce a complete history of changes for any domain name.

24.2.3 SRS Design

The SRS incorporates a multi-layer architecture that is designed to mitigate risks and easily scale as volumes increase. The three layers of the SRS are:

- Protocol Layer
- Business Policy Layer
- Database.

Each of the layers is described below.

24.2.4 Protocol Layer

The first layer is the protocol layer, which includes the EPP interface to registrars. It consists of a high availability farm of load-balanced EPP servers. The servers are designed to be fast processors of transactions. The servers perform basic validations and then feed information to the business policy engines as described below. The protocol layer is horizontally scalable as dictated by volume.

The EPP servers authenticate against a series of security controls before granting service, as follows:

- The registrar's host exchanges keys to initiate a TLS handshake session with the EPP server.
- The registrar's host must provide credentials to determine proper access levels.
- The registrar's IP address must be preregistered in the network firewalls and traffic-shapers.

24.2.5 Business Policy Layer

The Business Policy Layer is the brain of the registry system. Within this layer, the policy engine servers perform rules-based processing as defined through configurable attributes. This process takes individual transactions, applies various validation and policy rules, persists data and dispatches notification through the central database in order to publish to various external systems. External systems fed by the Business Policy Layer include backend processes such as dynamic update of DNS, WHOIS and Billing.

Similar to the EPP protocol farm, the SRS consists of a farm of application servers within this layer. This design ensures that there is sufficient capacity to process every transaction in a manner that meets or exceeds all service level requirements. Some registries couple the business logic layer directly in the protocol layer or within the database. This architecture limits the ability to scale the registry. Using a decoupled architecture enables the load to be distributed among farms of inexpensive servers that can be scaled up or down as demand changes.

The SRS today processes over 30 million EPP transactions daily.

24.2.6 Database

The database is the third core components of the SRS. The primary function of the SRS database is to provide highly reliable, persistent storage for all registry information required for domain registration services. The database is highly secure, with access limited to transactions from authenticated registrars, trusted application-server processes, and highly restricted access by the registry database administrators. A full description of the database can be found in response to Question 33.

Figure 24-1 attached depicts the overall SRS architecture including network components.

24.2.7 Number of Servers

As depicted in the SRS architecture diagram above Neustar operates a high availability architecture where at each level of the stack there are no single points of failures. Each of the network level devices run with dual pairs as do the databases. For the .music registry, the SRS will operate with 8 protocol servers and 6 policy engine servers. These expand horizontally as volume increases due to additional TLDs, increased load, and through organic growth. In addition to the SRS servers described above, there are multiple backend servers for services such as DNS and WHOIS. These are discussed in detail within those respective response sections.

24.2.8 Description of Interconnectivity with Other Registry Systems

The core SRS service interfaces with other external systems via Neustar's external systems layer. The services that the SRS interfaces with include:

- WHOIS
- DNS
- Billing
- Data Warehouse (Reporting and Data Escrow).

Other external interfaces may be deployed to meet the unique needs of a TLD. At this time there are no additional interfaces planned for .music.

The SRS includes an external notifier concept in its business policy engine as a message dispatcher. This design allows time-consuming backend processing to be decoupled from critical online registrar transactions. Using an external notifier solution, the registry can utilize control levers that allow it to tune or to disable processes to ensure optimal performance at all times. For example, during the early minutes of a TLD launch, when unusually high volumes of transactions are expected, the registry can elect to suspend processing of one or more back end systems in order to ensure that greater processing power is available to handle the increased load requirements. This proven architecture has been used with numerous TLD launches, some of which have involved the processing of over tens of millions of transactions in the opening hours. The following are the standard three external notifiers used the SRS:

24.2.9 WHOIS External Notifier

The WHOIS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on WHOIS. It is important to note that, while the WHOIS external notifier feeds the WHOIS system, it intentionally does not have visibility into the actual contents of the WHOIS system. The WHOIS external notifier serves just as a tool to send a signal to the WHOIS system that a change is ready to occur. The WHOIS system possesses the intelligence and data visibility to know exactly what needs to change in WHOIS. See response to Question 26 for greater detail.

24.2.10 DNS External Notifier

The DNS external notifier dispatches a work item for any EPP transaction that may potentially have an impact on DNS. Like the WHOIS external notifier, the DNS external notifier does not have visibility into the actual contents of the DNS zones. The work items that are generated by the notifier indicate to the dynamic DNS update sub-system that a change occurred that may impact DNS. That DNS system has the ability to decide what actual changes must be propagated out to the DNS constellation. See response to Question 35 for greater detail.

24.2.11 Billing External Notifier

The billing external notifier is responsible for sending all billable transactions to the downstream financial systems for billing and collection. This external notifier contains the necessary logic to determine what types of transactions are billable. The financial systems use this information to apply appropriate debits and credits based on registrar.

24.2.12 Data Warehouse

The data warehouse is responsible for managing reporting services, including registrar reports, business intelligence dashboards, and the processing of data escrow files. The Reporting Database is used to create both internal and external reports, primarily to support registrar billing and contractual reporting requirement. The data warehouse databases are updated on a daily basis with full copies of the production SRS data.

24.2.13 Frequency of Synchronization between Servers

The external notifiers discussed above perform updates in near real-time, well within the prescribed service level requirements. As transactions from registrars update the core SRS, update notifications are pushed to the external systems such as DNS and WHOIS. These updates are typically live in the external system within 2-3 minutes.

24.2.14 Synchronization Scheme (e.g., hot standby, cold standby)

Neustar operates two hot databases within the data center that is operating in primary mode. These two databases are kept in sync via synchronous replication. Additionally, there are two databases in the secondary data center. These databases are updated real time through asynchronous replication. This model allows for high performance while also ensuring protection of data. See response to Question 33 for greater detail.

24.2.15 Compliance with Specification 6 Section 1.2

The SRS implementation for .music is fully compliant with Specification 6, including section 1.2. EPP Standards are described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. Extensible Provisioning Protocol or EPP is defined by a core set of RFCs that standardize the interface that make up the registry-registrar model. The SRS interface supports EPP 1.0 as defined in the following RFCs shown in Table 24-1 attached.

Additional information on the EPP implementation and compliance with RFCs can be found in the response to Question 25.

24.2.16 Compliance with Specification 10

Specification 10 of the New TLD Agreement defines the performance specifications of the TLD, including service level requirements related to DNS, RDDS (WHOIS), and EPP. The requirements include both availability and transaction response time measurements. As an experienced registry operator, Neustar has a long and verifiable track record of providing registry services that consistently exceed the performance specifications stipulated in ICANN agreements. This same high level of service will be provided for the .music Registry. The following section describes Neustar's experience and its capabilities to meet the requirements in the new agreement.

To properly measure the technical performance and progress of TLDs, Neustar collects data on key essential operating metrics. These measurements are key indicators of the performance and health of the registry. Neustar's current .biz SLA commitments are among the most stringent in the industry today, and exceed the requirements for new TLDs. Table 24-2 compares the current SRS performance levels compared to the requirements for new TLDs, and clearly demonstrates the ability of the SRS to exceed those requirements.

Their ability to commit and meet such high performance standards is a direct result of their philosophy towards operational excellence. See response to Question 31 for a full description of their philosophy for building and managing for performance.

24.3 Resourcing Plans

The development, customization, and on-going support of the SRS are the responsibility of a combination of technical and operational teams, including:

- Development/Engineering
- Database Administration
- Systems Administration
- Network Engineering.

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will be involved in the design and testing. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably.

The necessary resources will be pulled from the pool of operational resources described in detail in the response to Question 31. Neustar's SRS implementation is very mature, and has been in production for over 10 years. As such, very little new development related to the SRS will be required for the implementation of the .music registry. The following resources are available from those teams:

- Development/Engineering 19 employees
- Database Administration- 10 employees
- Systems Administration 24 employees
- Network Engineering 5 employees

The resources are more than adequate to support the SRS needs of all the TLDs operated by Neustar, including the .music registry.

25. Extensible Provisioning Protocol (EPP)

25.1 Introduction

.MUSIC LLC's back-end registry operator, Neustar, has over 10 years of experience operating EPP based registries. They deployed one of the first EPP registries in 2001 with the launch of .biz. In 2004, they were the first gTLD to implement EPP 1.0. Over the last ten years Neustar has implemented numerous extensions to meet various unique TLD requirements. Neustar will leverage its extensive experience to ensure .MUSIC LLC is provided with an unparalleled EPP based registry. The following discussion explains the EPP interface which will be used for the .music registry. This interface exists within the protocol farm layer as described in Question 24 and is depicted in Figure 25-1 attached.

25.2 EPP Interface

Registrars are provided with two different interfaces for interacting with the registry. Both are EPP based, and both contain all the functionality necessary to provision and manage domain names. The primary mechanism is an EPP interface to connect directly with the registry. This is the interface registrars will use for most of their interactions with the registry.

However, an alternative web GUI (Registry Administration Tool) that can also be used to perform EPP transactions will be provided. The primary use of the Registry Administration Tool is for performing administrative or customer support tasks.

The main features of the EPP implementation are:

- Standards Compliance: The EPP XML interface is compliant to the EPP RFCs. As future EPP RFCs are published or existing RFCs are updated, Neustar makes changes to the implementation keeping in mind of any backward compatibility issues.

- Scalability: The system is deployed keeping in mind that it may be required to grow and shrink the

footprint of the Registry system for a particular TLD.

-Fault-tolerance: The EPP servers are deployed in two geographically separate data centers to provide for quick failover capability in case of a major outage in a particular data center. The EPP servers adhere to strict availability requirements defined in the SLAs.

-Configurability: The EPP extensions are built in a way that they can be easily configured to turn on or off for a particular TLD.

-Extensibility: The software is built ground up using object oriented design. This allows for easy extensibility of the software without risking the possibility of the change rippling through the whole application.

-Auditable: The system stores detailed information about EPP transactions from provisioning to DNS and WHOIS publishing. In case of a dispute regarding a name registration, the Registry can provide comprehensive audit information on EPP transactions.

-Security: The system provides IP address based access control, client credential-based authorization test, digital certificate exchange, and connection limiting to the protocol layer.

25.3 Compliance with RFCs and Specifications

The registry-registrar model is described and embodied in a number of IETF RFCs, ICANN contracts and practices, and registry-registrar agreements. As shown in Table 25-1 attached, EPP is defined by the core set of RFCs that standardize the interface that registrars use to provision domains with the SRS. As a core component of the SRS architecture, the implementation is fully compliant with all EPP RFCs.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to EPP. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that includes specific test cases to verify RFC compliance.

Neustar has a long history of providing exceptional service that exceeds all performance specifications. The SRS and EPP interface have been designed to exceed the EPP specifications defined in Specification 10 of the Registry Agreement and profiled in Table 25-2 attached. Evidence of Neustar's ability to perform at these levels can be found in the .biz monthly progress reports found on the ICANN website.

25.3.1 EPP Toolkits

Toolkits, under open source licensing, are freely provided to registrars for interfacing with the SRS. Both Java and C++ toolkits will be provided, along with the accompanying documentation. The Registrar Tool Kit (RTK) is a software development kit (SDK) that supports the development of a registrar software system for registering domain names in the registry using EPP. The SDK consists of software and documentation as described below.

The software consists of working Java and C++ EPP common APIs and samples that implement the EPP core functions and EPP extensions used to communicate between the registry and registrar. The RTK illustrates how XML requests (registration events) can be assembled and forwarded to the registry for processing. The software provides the registrar with the basis for a reference implementation that conforms to the EPP registry-registrar protocol. The software component of the SDK also includes XML schema definition files for all Registry EPP objects and EPP object extensions. The RTK also includes a dummy server to aid in the testing of EPP clients.

The accompanying documentation describes the EPP software package hierarchy, the object data model, and the defined objects and methods (including calling parameter lists and expected response behavior). New versions of the RTK are made available from time to time to provide support for additional features as they become available and support for other platforms and languages.

25.4 Proprietary EPP Extensions

The .music registry will not include proprietary EPP extensions. Neustar has implemented various EPP extensions for both internal and external use in other TLD registries. These extensions use the standard EPP extension framework described in RFC 5730. Table 25-3 attached provides a list of extensions developed for other TLDs. Should the .music registry require an EPP extension at some point in the future, the extension will be implemented in compliance with all RFC specifications including RFC 3735.

The full EPP schema to be used in the .music registry is attached in the document titled EPP Schema Files.

25.5 Resourcing Plans

The development and support of EPP is largely the responsibility of the Development/Engineering and Quality Assurance teams. As an experience registry operator with a fully developed EPP solution, on-going support is largely limited to periodic updates to the standard and the implementation of TLD specific extensions.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

- Development/Engineering 19 employees
- Quality Assurance - 7 employees.

These resources are more than adequate to support any EPP modification needs of the .music registry.

26. Whois

26.1 Introduction

.MUSIC LLC recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders and the public as a whole and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement. .music's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs and back-end registry services provider. As one of the first thick registry operators in the gTLD space, Neustar's WHOIS service has been designed from the ground up to display as much information as required by a TLD and respond to a very stringent availability and performance requirement.

Some of the key features of .music's solution include:

- Fully compliant with all relevant RFCs including 3912
- Production proven, highly flexible, and scalable with a track record of 100% availability over the past 10 years
- Exceeds current and proposed performance specifications
- Supports dynamic updates with the capability of doing bulk updates
- Geographically distributed sites to provide greater stability and performance

-In addition, .music's thick-WHOIS solution also provides for additional search capabilities and mechanisms to mitigate potential forms of abuse as discussed below. (e.g., IDN, registrant data).

26.2 Software Components

The WHOIS architecture comprises the following components:

-An in-memory database local to each WHOIS node: To provide for the performance needs, the WHOIS data is served from an in-memory database indexed by searchable keys.

-Redundant servers: To provide for redundancy, the WHOIS updates are propagated to a cluster of WHOIS servers that maintain an independent copy of the database.

-Attack resistant: To ensure that the WHOIS system cannot be abused using malicious queries or DOS attacks, the WHOIS server is only allowed to query the local database and rate limits on queries based on IPs and IP ranges can be readily applied.

-Accuracy auditor: To ensure the accuracy of the information served by the WHOIS servers, a daily audit is done between the SRS information and the WHOIS responses for the domain names which are updated during the last 24-hour period. Any discrepancies are resolved proactively.

-Modular design: The WHOIS system allows for filtering and translation of data elements between the SRS and the WHOIS database to allow for customizations.

-Scalable architecture: The WHOIS system is scalable and has a very small footprint. Depending on the query volume, the deployment size can grow and shrink quickly.

-Flexible: It is flexible enough to accommodate thin, thick, or modified thick models and can accommodate any future ICANN policy, such as different information display levels based on user categorization.

-SRS master database: The SRS database is the main persistent store of the Registry information. The Update Agent computes what WHOIS updates need to be pushed out. A publish-subscribe mechanism then takes these incremental updates and pushes to all the WHOIS slaves that answer queries.

26.3 Compliance with RFC and Specifications 4 and 10

Neustar has been running thick-WHOIS Services for over 10+ years in full compliance with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. Neustar built a home-grown solution for this service. It processes millions of WHOIS queries per day.

Table 26-1 attached describes Neustar's compliance with Specifications 4 and 10.

Neustar ensures compliance with all RFCs through a variety of processes and procedures. Members from the engineering and standards teams actively monitor and participate in the development of RFCs that impact the registry services, including those related to WHOIS. When new RFCs are introduced or existing ones are updated, the team performs a full compliance review of each system impacted by the change. Furthermore, all code releases include a full regression test that includes specific test cases to verify RFC compliance.

26.4 High-level WHOIS System Description

26.4.1 WHOIS Service (port 43)

The WHOIS service is responsible for handling port 43 queries. Our WHOIS is optimized for speed using an in-memory database and master-slave architecture between the SRS and WHOIS slaves.

The WHOIS service also has built-in support for IDN. If the domain name being queried is an IDN, the returned results include the language of the domain name, the domain name's UTF-8 encoded representation along with the Unicode code page.

26.4.2 Web Page for WHOIS queries

In addition to the WHOIS Service on port 43, Neustar provides a web based WHOIS application (www.whois.music). It is an intuitive and easy to use application for the general public to use. WHOIS web application provides all of the features available in the port 43 WHOIS. This includes full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

It also provides features not available on the port 43 service. These include:

1. Redemption Grace Period calculation: Based on the registry's policy, domains in pendingDelete can be restorable or scheduled for release depending on the date/time the domain went into pendingDelete. For these domains, the web based WHOIS displays Restorable or Scheduled for Release to clearly show this additional status to the user.
2. Extensive support for international domain names (IDN)
3. Ability to perform WHOIS lookups on the actual Unicode IDN
4. Display of the actual Unicode IDN in addition to the ACE-encoded name
5. A Unicode to Punycode and Punycode to Unicode translator
6. An extensive FAQ
7. A list of upcoming domain deletions

26.5 IT and Infrastructure Resources

As described above the WHOIS architecture uses a workflow that decouples the update process from the SRS. This ensures SRS performance is not adversely affected by the load requirements of dynamic updates. It is also decoupled from the WHOIS lookup agent to ensure the WHOIS service is always available and performing well for users. Each of Neustar's geographically diverse WHOIS sites use:

- Firewalls, to protect this sensitive data
- Dedicated servers for MQ Series, to ensure guaranteed delivery of WHOIS updates
- Packetshaper for source IP address-based bandwidth limiting
- Load balancers to distribute query load
- Multiple WHOIS servers for maximizing the performance of WHOIS service.

The WHOIS service uses HP BL 460C servers, each with 2 X Quad Core CPU and a 64GB of RAM. The existing infrastructure has 6 servers, but is designed to be easily scaled with additional servers should it be needed.

Figure 26-1 attached depicts the different components of the WHOIS architecture.

26.6 Interconnectivity with Other Registry System

As described in Question 24 about the SRS and further in response to Question 31, Technical Overview, when an update is made by a registrar that impacts WHOIS data, a trigger is sent to the WHOIS system by the external notifier layer. The update agent processes these updates, transforms the data if necessary and then uses messaging oriented middleware to publish all updates to each WHOIS slave. The local update agent accepts the update and applies it to the local in-memory database. A separate auditor compares the data in WHOIS and the SRS daily and monthly to ensure accuracy of the published data.

26.7 Frequency of Synchronization between Servers

Updates from the SRS, through the external notifiers, to the constellation of independent WHOIS slaves happens in real-time via an asynchronous publish/subscribe messaging architecture. The updates are guaranteed to be updated in each slave within the required SLA of 95%, less than or equal to 60 minutes. Please note that Neustar's current architecture is built towards the stricter SLAs (95%, less than or equal to 15 minutes) of .BIZ. The vast majority of updates tend to happen within 2-3 minutes.

26.8 Provision for Searchable WHOIS Capabilities

Neustar will create a new web-based service to address the new search features based on requirements specified in Specification 4 Section 1.8. The application will enable users to search the WHOIS directory using any one or more of the following fields:

-Domain name

-Registrar ID

-Contacts and registrant's name

-Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)

-Name server name and name server IP address

-The system will also allow search using non-Latin character sets which are compliant with IDNA specification.

The user will choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria will be returned to the user.

Figure 26-2 attached shows an architectural depiction of the new service.

To mitigate the risk of this powerful search service being abused by unscrupulous data miners, a layer of security will be built around the query engine which will allow the registry to identify rogue activities and then take appropriate measures. Potential abuses include, but are not limited to:

-Data Mining

-Unauthorized Access

- Excessive Querying
- Denial of Service Attacks

To mitigate the abuses noted above, Neustar will implement any or all of these mechanisms as appropriate:

- Username-password based authentication
- Certificate based authentication
- Data encryption
- CAPTCHA mechanism to prevent robo invocation of Web query
- Fee-based advanced query capabilities for premium customers.

The searchable WHOIS application will adhere to all privacy laws and policies of the .music registry.

26.9 Resourcing Plans

As with the SRS, the development, customization, and on-going support of the WHOIS service is the responsibility of a combination of technical and operational teams. The primary groups responsible for managing the service include:

- Development/Engineering 19 employees
- Database Administration 10 employees
- Systems Administration 24 employees
- Network Engineering 5 employees

Additionally, if customization or modifications are required, the Product Management and Quality Assurance teams will also be involved. Finally, the Network Operations and Information Security play an important role in ensuring the systems involved are operating securely and reliably. The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. Neustar's WHOIS implementation is very mature, and has been in production for over 10 years. As such, very little new development will be required to support the implementation of the .music registry. The resources are more than adequate to support the WHOIS needs of all the TLDs operated by Neustar, including the .music registry.

27. Registration Life Cycle

27.1 Registration Life Cycle

27.1.1 Introduction

.music will follow the lifecycle and business rules found in the majority of gTLDs today. Our back-end operator, Neustar, has over ten years of experience managing numerous TLDs that utilize standard and unique business rules and lifecycles. This section describes the business rules, registration states, and the overall domain lifecycle that will be used for .music.

27.1.2 Domain Lifecycle - Description

The registry will use the EPP 1.0 standard for provisioning domain names, contacts and hosts. Each domain record is comprised of three registry object types: domain, contacts, and hosts.

Domains, contacts and hosts may be assigned various EPP defined statuses indicating either a particular state or restriction placed on the object. Some statuses may be applied by the Registrar; other statuses may only be applied by the Registry. Statuses are an integral part of the domain lifecycle and serve the dual purpose of indicating the particular state of the domain and indicating any restrictions placed on the domain. The EPP standard defines 17 statuses, however only 14 of these statuses will be used in the .music registry per the defined .music business rules.

The following is a brief description of each of the statuses. Server statuses may only be applied by the Registry, and client statuses may be applied by the Registrar.

- OK Default status applied by the Registry.
- Inactive Default status applied by the Registry if the domain has less than 2 nameservers.
- PendingCreate Status applied by the Registry upon processing a successful Create command, and indicates further action is pending. This status will not be used in the .music registry.
- PendingTransfer Status applied by the Registry upon processing a successful Transfer request command, and indicates further action is pending.
- PendingDelete Status applied by the Registry upon processing a successful Delete command that does not result in the immediate deletion of the domain, and indicates further action is pending.
- PendingRenew Status applied by the Registry upon processing a successful Renew command that does not result in the immediate renewal of the domain, and indicates further action is pending. This status will not be used in the .music registry.
- PendingUpdate Status applied by the Registry if an additional action is expected to complete the update, and indicates further action is pending. This status will not be used in the .music registry.
- Hold Removes the domain from the DNS zone.
- UpdateProhibited Prevents the object from being modified by an Update command.
- TransferProhibited Prevents the object from being transferred to another Registrar by the Transfer command.
- RenewProhibited Prevents a domain from being renewed by a Renew command.
- DeleteProhibited Prevents the object from being deleted by a Delete command.

The lifecycle of a domain begins with the registration of the domain. All registrations must follow the EPP standard, as well as the specific business rules described in the response to Question 18 above. Upon registration a domain will either be in an active or inactive state. Domains in an active state are delegated and have their delegation information published to the zone. Inactive domains either have no delegation information or their delegation information is not published in the zone. Following the initial registration of a domain, one of five actions may occur during its lifecycle:

- Domain may be updated
- Domain may be deleted, either within or after the add-grace period
- Domain may be renewed at anytime during the term
- Domain may be auto-renewed by the Registry
- Domain may be transferred to another registrar.

Each of these actions may result in a change in domain state. This is described in more detail in the following section. Every domain must eventually be renewed, auto-renewed, transferred, or deleted. A registrar may apply EPP statuses described above to prevent specific actions such as updates, renewals, transfers, or deletions.

27.2 Registration States

27.2.1 Domain Lifecycle Registration States

As described above the .music registry will implement a standard domain lifecycle found in most gTLD registries today. There are five possible domain states:

- Active
- Inactive
- Locked
- Pending Transfer
- Pending Delete.

All domains are always in either an Active or Inactive state, and throughout the course of the lifecycle may also be in a Locked, Pending Transfer, and Pending Delete state. Specific conditions such as applied EPP policies and registry business rules will determine whether a domain can be transitioned between states. Additionally, within each state, domains may be subject to various timed events such as grace periods, and notification periods.

27.2.2 Active State

The active state is the normal state of a domain and indicates that delegation data has been provided and the delegation information is published in the zone. A domain in an Active state may also be in the Locked or Pending Transfer states.

27.2.3 Inactive State

The Inactive state indicates that a domain has not been delegated or that the delegation data has not been published to the zone. A domain in an Inactive state may also be in the Locked or Pending Transfer states. By default all domain in the Pending Delete state are also in the Inactive state.

27.2.4 Locked State

The Locked state indicates that certain specified EPP transactions may not be performed to the domain. A domain is considered to be in a Locked state if at least one restriction has been placed on the domain; however up to eight restrictions may be applied simultaneously. Domains in the Locked state will also be in the Active or Inactive, and under certain conditions may also be in the Pending Transfer or Pending Delete states.

27.2.5 Pending Transfer State

The Pending Transfer state indicates a condition in which there has been a request to transfer the domain from one registrar to another. The domain is placed in the Pending Transfer state for a period of time to allow the current (losing) registrar to approve (ack) or reject (nack) the transfer request. Registrars may only nack requests for reasons specified in the Inter-Registrar Transfer Policy.

27.2.6 Pending Delete State

The Pending Delete State occurs when a Delete command has been sent to the Registry after the first 5 days (120 hours) of registration. The Pending Delete period is 35-days during which the first 30-days the name enters the Redemption Grace Period (RGP) and the last 5-days guarantee that the domain will be purged from the Registry Database and available to public pool for registration on a first come, first serve basis.

27.3 Typical Registration Lifecycle Activities

27.3.1 Domain Creation Process

The creation (registration) of domain names is the fundamental registry operation. All other operations are designed to support or compliment a domain creation. The following steps occur when a domain is created.

1. Contact objects are created in the SRS database. The same contact object may be used for each contact type, or they may all be different. If the contacts already exist in the database this step may be skipped.

2. Nameservers are created in the SRS database. Nameservers are not required to complete the registration process; however any domain with less than 2 name servers will not be resolvable.

3. The domain is created using the each of the objects created in the previous steps. In addition, the term and any client statuses may be assigned at the time of creation.

The actual number of EPP transactions needed to complete the registration of a domain name can be as few as one and as many as 40. The latter assumes seven distinct contacts and 13 nameservers, with Check and Create commands submitted for each object.

27.3.2 Update Process

Registry objects may be updated (modified) using the EPP Modify operation. The Update transaction updates the attributes of the object.

For example, the Update operation on a domain name will only allow the following attributes to be updated:

- Domain statuses
- Registrant ID
- Administrative Contact ID
- Billing Contact ID
- Technical Contact ID
- Nameservers
- AuthInfo
- Additional Registrar provided fields.

The Update operation will not modify the details of the contacts. Rather it may be used to associate a different contact object (using the Contact ID) to the domain name. To update the details of the contact object the Update transaction must be applied to the contact itself. For example, if an existing registrant wished to update the postal address, the Registrar would use the Update command to modify the contact object, and not the domain object.

27.3.4 Renew Process

The term of a domain may be extended using the EPP Renew operation. ICANN policy generally establishes the maximum term of a domain name to be 10 years, and Neustar recommends not deviating from this policy. A domain may be renewed/extended at any point time, even immediately following the initial registration. The only stipulation is that the overall term of the domain name may not exceed 10 years. If a Renew operation is performed with a term value will extend the domain beyond the 10 year limit, the Registry will reject the transaction entirely.

27.3.5 Transfer Process

The EPP Transfer command is used for several domain transfer related operations:

- Initiate a domain transfer
- Cancel a domain transfer
- Approve a domain transfer
- Reject a domain transfer.

To transfer a domain from one Registrar to another the following process is followed:

1. The gaining (new) Registrar submits a Transfer command, which includes the AuthInfo code of the domain name.
2. If the AuthInfo code is valid and the domain is not in a status that does not allow transfers the domain is placed into pendingTransfer status
3. A poll message notifying the losing Registrar of the pending transfer is sent to the Registrar's message queue
4. The domain remains in pendingTransfer status for up to 120 hours, or until the losing (current) Registrar Acks (approves) or Nack (rejects) the transfer request
5. If the losing Registrar has not Acked or Nacked the transfer request within the 120 hour timeframe, the Registry auto-approves the transfer
6. The requesting Registrar may cancel the original request up until the transfer has been completed.

A transfer adds an additional year to the term of the domain. In the event that a transfer will cause the domain to exceed the 10 year maximum term, the Registry will add a partial term up to the 10 year limit. Unlike with the Renew operation, the Registry will not reject a transfer operation.

27.3.6 Deletion Process

A domain may be deleted from the SRS using the EPP Delete operation. The Delete operation will result in either the domain being immediately removed from the database or the domain being placed in pendingDelete status. The outcome is dependent on when the domain is deleted. If the domain is deleted within the first five days (120 hours) of registration, the domain is immediately removed from the database. A deletion at any other time will result in the domain being placed in pendingDelete status and entering the Redemption Grace Period (RGP). Additionally, domains that are deleted within five days (120) hours of any billable (add, renew, transfer) transaction may be deleted for credit.

27.4 Applicable Time Elements

The following section explains the time elements that are involved.

27.4.1 Grace Periods

There are six grace periods:

- Add-Delete Grace Period (AGP)
- Renew-Delete Grace Period
- Transfer-Delete Grace Period
- Auto-Renew-Delete Grace Period
- Auto-Renew Grace Period
- Redemption Grace Period (RGP).

The first four grace periods listed above are designed to provide the Registrar with the ability to cancel a revenue transaction (add, renew, or transfer) within a certain period of time and receive a credit for the original transaction.

The following describes each of these grace periods in detail.

27.4.2 Add-Delete Grace Period

The APG is associated with the date the Domain was registered. Domains may be deleted for credit during the initial 120 hours of a registration, and the Registrar will receive a billing credit for the original registration. If the domain is deleted during the Add Grace Period, the domain is dropped from the database immediately and a credit is applied to the Registrar's billing account.

27.4.3 Renew-Delete Grace Period

The Renew-Delete Grace Period is associated with the date the Domain was renewed. Domains may be deleted for credit during the 120 hours after a renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly renewed. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP (see below).

27.4.4 Transfer-Delete Grace Period

The Transfer-Delete Grace Period is associated with the date the Domain was transferred to another Registrar. Domains may be deleted for credit during the 120 hours after a transfer. It should be noted that domains that are deleted during the renew grace period will be placed into pendingDelete and will enter the RGP. A deletion of domain after a transfer is not the method used to correct a transfer mistake. Domains that have been erroneously transferred or hijacked by another party can be transferred back to the original registrar through various means including contacting the Registry.

27.4.5 Auto-Renew-Delete Grace Period

The Auto-Renew-Delete Grace Period is associated with the date the Domain was auto-renewed. Domains may be deleted for credit during the 120 hours after an auto-renewal. The grace period is intended to allow Registrars to correct domains that were mistakenly auto-renewed. It should be noted that domains that are deleted during the auto-renew delete grace period will be placed into pendingDelete and will enter the RGP.

27.4.6 Auto-Renew Grace Period

The Auto-Renew Grace Period is a special grace period intended to provide registrants with an extra amount of time, beyond the expiration date, to renew their domain name. The grace period lasts for 45 days from the expiration date of the domain name. Registrars are not required to provide registrants with the full 45 days of the period.

27.4.7 Redemption Grace Period

The RGP is a special grace period that enables Registrars to restore domains that have been inadvertently deleted but are still in pendingDelete status within the Redemption Grace Period. All domains enter the RGP except those deleted during the AGP.

The RGP period is 30 days, during which time the domain may be restored using the EPP RenewDomain command as described below. Following the 30day RGP period the domain will remain in pendingDelete status for an additional five days, during which time the domain may NOT be restored. The domain is released from the SRS, at the end of the 5 day non-restore period. A restore fee applies and is detailed in the Billing Section. A renewal fee will be automatically applied for any domain past expiration.

Neustar has created a unique restoration process that uses the EPP Renew transaction to restore the domain and fulfill all the reporting obligations required under ICANN policy. The following describes the restoration process.

27.5 State Diagram

Figure 27-1 attached provides a description of the registration lifecycle.

The different states of the lifecycle are active, inactive, locked, pending transfer, and pending delete. Please refer to section 27.2 for detailed descriptions of each of these states. The lines between the states represent triggers that transition a domain from one state to another.

The details of each trigger are described below:

- Create: Registry receives a create domain EPP command.
- WithNS: The domain has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.
- WithoutNS: The domain has not met the minimum number of nameservers required by registry policy. The domain will not be in the DNS zone.
- Remove Nameservers: Domain's nameserver(s) is removed as part of an update domain EPP command. The total nameserver is below the minimum number of nameservers required by registry policy in order to be published in the DNS zone.
- Add Nameservers: Nameserver(s) has been added to domain as part of an update domain EPP command. The total number of nameservers has met the minimum number of nameservers required by registry policy in order to be published in the DNS zone.
- Delete: Registry receives a delete domain EPP command.
- DeleteAfterGrace: Domain deletion does not fall within the add grace period.
- DeleteWithinAddGrace: Domain deletion falls within add grace period.
- Restore: Domain is restored. Domain goes back to its original state prior to the delete command.
- Transfer: Transfer request EPP command is received.
- Transfer Approve/Cancel/Reject: Transfer requested is approved or cancel or rejected.
- TransferProhibited: The domain is in clientTransferProhibited and/or serverTransferProhibited status. This will cause the transfer request to fail. The domain goes back to its original state.
- DeleteProhibited: The domain is in clientDeleteProhibited and/or serverDeleteProhibited status. This will cause the delete command to fail. The domain goes back to its original state.

Note: the locked state is not represented as a distinct state on the diagram as a domain may be in a locked state in combination with any of the other states: inactive, active, pending transfer, or pending delete.

27.5.1 EPP RFC Consistency

As described above, the domain lifecycle is determined by ICANN policy and the EPP RFCs. Neustar has been operating ICANN TLDs for the past 10 years consistent and compliant with all the ICANN policies and related EPP RFCs.

27.6 Resources

The registration lifecycle and associated business rules are largely determined by policy and business requirements; as such the Product Management and Policy teams will play a critical role in working Applicant to determine the precise rules that meet the requirements of the TLD. Implementation of the lifecycle rules will be the responsibility of Development/Engineering team, with testing performed by the Quality Assurance team. Neustar's SRS implementation is very flexible and configurable, and in many case development is not required to support business rule changes.

The .music registry will be using standard lifecycle rules, and as such no customization is anticipated. However should modifications be required in the future, the necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

- Development/Engineering 19 employees

-Registry Product Management 4 employees

These resources are more than adequate to support the development needs of all the TLDs operated by Neustar, including the .music registry.

28. Abuse Prevention and Mitigation

28.1 Abuse Prevention and Mitigation

Strong abuse prevention of a new gTLD is an important benefit to the internet community. .music and its registry operator and back-end registry services provider, Neustar, agree that a registry must not only aim for the highest standards of technical and operational competence, but also needs to act as a steward of the space on behalf of the Internet community and ICANN in promoting the public interest. Neustar brings extensive experience establishing and implementing registration policies. This experience will be leveraged to help .music combat abusive and malicious domain activity within the new gTLD space.

One of those public interest functions for a responsible domain name registry includes working towards the eradication of abusive domain name registrations, including, but not limited to, those resulting from:

- Illegal or fraudulent actions
- Spam
- Phishing
- Pharming
- Distribution of malware
- Fast flux hosting
- Botnets
- Distribution of child pornography
- Online sale or distribution of illegal pharmaceuticals.
- Intellectual Property Violation
- Copyright Violation

More specifically, although traditionally botnets have used Internet Relay Chat (IRC) servers to control registry and the compromised PCs, or bots, for DDoS attacks and the theft of personal information, an increasingly popular technique, known as fast-flux DNS, allows botnets to use a multitude of servers to hide a key host or to create a highly-available control network. This ability to shift the attacker's infrastructure over a multitude of servers in various countries creates an obstacle for law enforcement and security researchers to mitigate the effects of these botnets. But a point of weakness in this scheme is its dependence on DNS for its translation services. By taking an active role in researching and monitoring these sorts of botnets, .music's partner, Neustar, has developed the ability to efficiently work with various law enforcement and security communities to begin a new phase of mitigation of these types of threats.

Policies and Procedures to Minimize Abusive Registrations

A Registry must have the policies, resources, personnel, and expertise in place to combat such abusive DNS practices. As .music's registry provider, Neustar is at the forefront of the prevention of such abusive practices and is one of the few registry operators to have actually developed and implemented an active "domain takedown" policy. We also believe that a strong program is essential given that registrants have a reasonable expectation that they are in control of the data associated with their domains, especially its presence in the DNS zone. Because domain names are sometimes used as a mechanism to enable various illegitimate activities on the Internet often the best preventative measure to thwart these attacks is to remove the names completely from the DNS before they can impart harm, not only to the domain name registrant, but also to millions of unsuspecting Internet users.

Removing the domain name from the zone has the effect of shutting down all activity associated with the domain name, including the use of all websites and e-mail. The use of this technique should not be entered into lightly. .music has an extensive, defined, and documented process for taking the necessary action of removing a domain from the zone when its presence in the zone poses a threat to the security and stability of the infrastructure of the Internet or the registry.

Abuse Point of Contact

As required by the Registry Agreement, .music will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement, its community members and the public related to malicious and abusive conduct. .music will also provide such information to ICANN prior to the delegation of any domain names in the TLD. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious conduct complaints, and a telephone number and mailing address for the primary contact. We will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited registrars, our registry services provider, Neustar, shall have an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

28.2 Policies Regarding Abuse Complaints

One of the key policies each new gTLD registry will need to have is an Acceptable Use Policy that clearly delineates the types of activities that constitute "abuse" and the repercussions associated with an abusive domain name registration. In addition, the policy will be incorporated into the applicable

Registry-Registrar Agreement and reserve the right for the registry to take the appropriate actions based on the type of abuse. This will include locking down the domain name - preventing any changes to the contact and nameserver information associated with the domain name, placing the domain name "on hold" rendering the domain name non-resolvable, transferring to the domain name to another registrar, and/or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation.

The dotMusic Registry will adopt an Acceptable Use Policy that clearly defines the types of activities that will not be permitted in the TLD and reserves the right of the Applicant to lock, cancel, transfer or otherwise suspend or take down domain names violating the Acceptable Use Policy and allow the Registry where and when appropriate to share information with law enforcement. Each ICANN-Accredited Registrar (even in the case of a sole registrar model) must agree to pass through the Acceptable Use Policy to its Resellers (if applicable) and ultimately to the TLD registrants. Below is the Registry's initial Acceptable Use Policy that we will use in connection with .music.

the dotMusic Registry Acceptable Use Policy

This Acceptable Use Policy gives the Registry the ability to quickly lock, cancel, transfer or take ownership of any .music domain name, either temporarily or permanently, if the domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its registrar partners - and/or that may put the safety and security of any registrant or user at risk. The process also allows the Registry to take preventive measures to avoid any such criminal or security threats.

The Acceptable Use Policy may be triggered through a variety of channels, including, among other things, community member complaint, private complaint, public alert, government or enforcement agency outreach, and the on-going monitoring by the Registry or its partners. In all cases, the Registry or its designees will alert Registry's registrar partners about any identified threats, and will work closely with them to bring offending sites into compliance.

The following are some (but not all) activities that will be subject to rapid domain compliance:

- Phishing: the attempt to acquire personally identifiable information by masquerading as a website other than .music's own.
- Pharming: the redirection of Internet users to websites other than those the user intends to visit, usually through unauthorized changes to the Hosts file on a victim's computer or DNS records in DNS servers.
- Dissemination of Malware: the intentional creation and distribution of "malicious" software designed to infiltrate a computer system without the owner's consent, including, without limitation, computer viruses, worms, key loggers, and Trojans.
- Fast Flux Hosting: a technique used to shelter Phishing, Pharming and Malware sites and networks from detection and to frustrate methods employed to defend against such practices, whereby the IP address associated with fraudulent websites are changed rapidly so as to make the true location of the sites difficult to find.
- Botnetting: the development and use of a command, agent, motor, service, or software which is implemented: (1) to remotely control the computer or computer system of an Internet user without their knowledge or consent, (2) to generate direct denial of service (DDOS) attacks.
- Malicious Hacking: the attempt to gain unauthorized access (or exceed the level of authorized access) to a computer, information system, user account or profile, database, or security system.
- Child Pornography: the storage, publication, display and/or dissemination of pornographic materials depicting individuals under the age of majority in the relevant jurisdiction.
- Community Abuse Considerations: The dotMusic Registry will create a safe TLD in .music by actively monitoring and combating copyright infringement, cybersquatting, typo-squatting and any other domain name and registration based abusive practices. They will also actively monitor and combat the harder abuse instances that plague the music industry in the online world. These are defined as copyright infringement that results from P2P sharing, illegal digital distribution, along with any and all types of Intellectual Property infringement involving the DNS.

The Registry reserves the right, in its sole discretion, to take any administrative and operational actions necessary, including the use of computer forensics and information security technological services, among other things, in order to implement the Acceptable Use Policy. In addition, the Registry reserves the right to deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion; (1) to protect the integrity and stability of the registry; (2) to enforce the requirements of community membership and acceptable use (3) to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (4) to avoid any liability, civil or criminal, on the part of Registry as well as its affiliates, subsidiaries, officers, directors, and employees; (5) per the terms of the registration agreement or (6) to correct mistakes made by the Registry or any Registrar in connection with a domain name registration. Registry also reserves the right to place upon registry lock, hold or similar status a domain name during resolution of a dispute.

Taking Action Against Abusive and/or Malicious Activity

The Registry is committed to ensuring that those domain names associated with abuse or Malicious conduct in violation of the Acceptable Use Policy are dealt with in a timely and decisive manner. These include taking action against those domain names that are being used to threaten the stability and security, the community requirements of the TLD, or is part of a real-time investigation by law enforcement.

Once a complaint is received from a trusted source, third-party, or detected by the Registry, the Registry will use commercially reasonable efforts to verify the information in the complaint. If that information can be verified to the best of the ability of the Registry, the sponsoring registrar and the relevant reseller will be notified and be given 12 hours to investigate the activity and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the Registry to keep the name in the zone. If the registrar (reseller) has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "ServerHold". Although this action removes the domain name from the TLD zone, the domain name record still appears in the TLD WHOIS database so that the name and entities can be investigated by law enforcement should they desire to get involved.

Coordination with Law Enforcement

With the assistance of Neustar as its back-end registry services provider, .music can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, Questions or comments concerning the request, and an outline of the next steps to be taken by .Music for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by the Registry and involves the type of activity set forth in the Acceptable Use Policy, the sponsoring registrar and its reseller is then given 12 hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar (reseller) has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "serverHold".

Monitoring for Malicious Activity

28.3 Measures for Removal of Orphan Glue Records

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See <http://www.icann.org/en/committees/security/sac048.pdf>.

While orphan glue often support correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in DNS. Therefore, when the Registry has written evidence of actual abuse of orphaned glue, the Registry will take action to remove those records from the zone to mitigate such malicious conduct.

Neustar run a daily audit of entries in its DNS systems and compares those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either .music or Neustar become aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

28.4 Measures to Promote WHOIS Accuracy

The dotMusic Registry acknowledges that ICANN has developed a number of mechanisms over the past decade that are intended to address the issue of inaccurate WHOIS information. Such measures alone have not proven to be sufficient and .music will offer a mechanism whereby third parties can submit complaints directly to the Applicant (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete WHOIS data. Such information shall be forwarded to the sponsoring Registrar, who shall be required to address those complaints with their registrants. Thirty days after forwarding the complaint to the registrar, .music will examine the current WHOIS data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the Registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, Applicant reserves the right to suspend the applicable domain name(s) until such time as the Registrant is able to cure the deficiencies.

In addition, .music shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of .music domain names to test the accuracy of the WHOIS information. Although this will not include verifying the actual information in the WHOIS record, .music will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the sponsoring Registrar, who shall be required to address those complaints with their registrants. Thirty days after forwarding the complaint to the registrar, the Applicant will examine the current WHOIS data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the Registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, .music reserves the right to suspend the applicable domain name(s) until such time as the Registrant is able to cure the deficiencies.

28.4.1 Authentication of Registrant Information and Monitoring of Registration Data

Authentication of registrant information as complete and accurate at time of registration. Most .music registrations will be sold by "reseller".music community member associations to their memberships. These resellers will in many cases be able to verify their own memberships at the time of domain sale. To address the case where the reseller lacks the ability to do this in the domain sale process, the .music reseller platform will capture all registrant declaration as to community membership including the identification of their accredited member association. All registrations associated with a given member association will be reported daily to the relevant member association for asynchronous review. Discrepancies in declared community membership will be addressed through the standard abuse practices described in the Acceptable Use Policy.

28.4.3 Policies and Procedures Ensuring Compliance (RRA and RA)

The dotMusic Registry intends to operate as a sole registrar model but will offer exclusive reseller services for music associations to sell domain names to their memberships. This registrar entity and subsequent resellers will be required to enforce measures, establish policies and procedures to ensure compliance, which may include audits, financial incentives, penalties, or other means.

The Registry-Registrar Agreement (RRA) will contain the following terms which will be passed through to

the Reseller Agreements where applicable:

1. Confirming that Registrants have a bona fide affiliation with a legitimate Community Member.
2. Requiring that Registrants execute a Registrant Agreement which provides an additional level in securing the protection of creative and intellectual property rights and serves to mitigate copyright infringement, piracy and any other abuse as outlined in the dotMusic Registry policies.
 - a. The electronic acceptance of the Registrant Agreement would be a pre-requisite to the confirmation of any registration or renewal transaction performed by the Registrar (reseller).
 - b. Ensuring an electronic audit trail is maintained at the registrar, referencing each and every .music registration to an acceptance date of the Registrant Agreement.
3. Requiring their registrants to certify on an annual basis that they are in compliance with all Accreditation Criteria and other policies and requirements governing domains, including, but not limited to, that the registrant:
 - a. is not, and will not be involved in any form of copyright infringement, or otherwise facilitate such copyright infringement or provide access to any software, service or application that facilitates copyright infringement, directly or indirectly through the domain;
 - b. has all the rights necessary to transmit, display, provide access to, reproduce, distribute, publish, link to, perform or otherwise exploit any copyrighted content made available directly or indirectly through the domain;
 - c. has and will maintain appropriate records sufficient to verify any claimed licenses or authorizations to use or exploit creative content owned by third parties;
 - d. will only use the domain in connection with activities involving legitimate/authorized uses of creative works and not to facilitate infringement; and
 - e. meets the other Accreditation Criteria and that their operation of the site is legal
4. Acknowledgement that proxy registrations are disallowed, except those proxy registration services that are approved by, and fully comply with ICANN standards and .Music Registry policies.
5. Acknowledgement that the registrar and/or reseller will enforce the terms of the Registrant Agreement.
6. Acknowledgement that the registrar and/or reseller will endeavor to maintain WHOIS accuracy by:
 - a. authenticating the registrant information as complete and accurate at time of registration,
 - b. ensure the registrant is a valid member of good standing in at least of one of Coalition Member Organizations. Means requiring submission of identifying membership information.
 - c. ensuring completeness and verifying all contact information of principals mentioned in registration data. Means may include utilizing simple web based technology to discern and thus reject inaccurate data (such as mismatch of zip code and State Code), and other means,
 - d. regular monitoring of registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data. Means to do so would include periodic email alerts to the domain name registrant to verify or correct WHOIS information.
7. Acknowledgement of and compliance with .Music Registry's abuse detection and mitigation procedures, up to and including domain takedown.
8. Acknowledgement of the .Music Registry's right to take action to ensure compliance with the abuse detection and mitigation policies and procedures of the .Music Registry.
 - a. Acceptance of .Music's right to suspend domains found to be in violation of .Music policies.
 - b. Implement reasonable procedures to identify repeat registrants that attempt to avoid detection as repeat offender registrants, etc.
 - c. Registrar (resellers) will be required to promptly take down/deregister domains that fail to comply with the Accreditation Criteria and other policies governing domains (including, but not limited to breach of the certification contemplated below), and to refuse to accept registrations from registrants that previously violated such criteria or policies.
 - d. Annual verification of and electronic acceptance of the RRA.

Last but not least, the .Music Registry will create the Registrant Agreement. The RA would be furnished to all .Music registrar's resellers as part of the reseller accreditation procedures. The RA would at a minimum require all registrants to:

1. Agree to and abide by the terms of the .Music Registrant Agreement.
2. Adhere to the protection of Creative and Intellectual Property rights such as mitigating copyright infringement and piracy as well as guarding against other abuses such as cyber squatting, typo-squatting or other abusive registration practices defined in the agreement.
3. Annually notifying Registrants of their current agreement to:
 - a. Avoid of any form of copyright infringement, or otherwise facilitate such copyright infringement or provide access to any software, service or application that facilitates copyright infringement, directly or indirectly through the domain;
 - b. Possess all necessary rights to transmit, display, provide access to, reproduce, distribute, publish, link to, perform or otherwise exploit any copyrighted content made available directly or indirectly through the domain;
 - c. Maintain appropriate records to sufficiently verify any claimed licenses or authorizations to use or exploit creative content owned by third parties;
 - d. Use the domain only in connection with activities involving legitimate/authorized uses of creative works and not to facilitate infringement;
 - e. Meet other Accreditation Criteria as set forth from time to time
 - f. Implement reasonable monitoring of their site and their domain to police against infringing activity;
 - g. Implement reasonable enforcement procedures to ensure that any unauthorized content is removed before being placed on the domain or immediately removed once the registrant becomes aware of such unauthorized content;
 - h. Proactively ensure unauthorized content is not made available via the domain;
 - i. Acknowledge the .Music Registry's right to engage in monitoring and policing activity of the registrant's domain and site; and
 - j. Provide evidence of reasonable security and other measures that will be used to protect content made available from the domain.
4. Acknowledgement that if the registrant's domain use is found to be in violation of the .Music Registrant Agreement, the domain will be subject to suspension and reclaimed by the Registry.

.Music Registry will set itself up as a sole registrar, providing reseller capability to Community Member Associations, who will in turn sell .Music domains to their memberships. This model will provide the following advantages:

- minimize malicious conduct in .music (eg: quicker takedown in case of abusive behavior),
- minimize dot Music Registry's administrative and technical costs,
- maximize compliance with dotMusic Registry policies, and
- maximize control, as the dotMusic Registry would be the "Registrar of Record" in the WHOIS.

28.5 Resourcing Plans

Responsibility for abuse mitigation rests with a variety of functional groups. The Abuse Monitoring team is primarily responsible for providing analysis and conducting investigations of reports of abuse. The customer service team also plays an important role in assisting with the investigations, responded to customers, and notifying registrars of abusive domains. Finally, the Policy/Legal team is responsible for developing the relevant policies and procedures.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31, as well as resources described under the Abuse and Compliance Team. The following resources are available from those teams:

Customer Support - 12 employees
 Policy/Legal - 2 employees
 Abuse and Compliance Monitoring Team - 4 employees

The dotMusic Registry, as noted in our financials, has provisioned for a community compliance and support function. Oncall 24/7/365, this team supports both the community eligibility verification functions as well as providing a Tier 2 escalation for abuse cases reported through the Tier 1 Neustar Customer Support Teams. We estimate the community and compliance support function will spend no more than 10% of their collective time responding to abuse complaints in view of the estimated registration volumes and for the following reasons:

- Registrants are verified members of an accredited .music community organization or association in order to have an "active" registration and are held to strict community eligibility requirements
- Registrants are well informed that IP protection is a fundamental priority to attain a .music domain. They risk substantial investment loss by risking non-compliance to the participation requirements in .music
- Registrants who lose their .music registrations due to non-compliance can put their related music organization or association memberships at risk
- The .music domain while market-competitive, is not a low cost domain space, which further has a cooling effect on attempted abusive registration
- Regular compliance scanning of the namespace for both community eligibility requirement conformance and abuse detection, as described in Q18 and earlier in Q28 will operate as a deterrent to abusive registration use.

29. Rights Protection Mechanisms

29.1. Rights Protection Mechanisms

The dotMusic Registry is firmly committed to the protection of Intellectual Property rights and to implementing the mandatory rights protection mechanisms contained in the Applicant Guidebook. .music recognizes that although the New gTLD program includes significant protections beyond those that were mandatory for a number of the current TLDs, a key motivator for .music's selection of Neustar as its registry services provider is Neustar's experience in successfully launching a number of TLDs with diverse rights protection mechanisms, including many the ones required in the Applicant Guidebook. More specifically, .music will implement the following rights protection mechanisms in accordance with the Applicant Guidebook and its Community requirements as further described below:

- Trademark Clearinghouse: a one-stop shop so that trademark holders can protect their trademarks with a single registration.
- Sunrise and Trademark Claims processes for the TLD.
- Implementation of the Uniform Dispute Resolution Policy to address domain names that have been registered and used in bad faith in the TLD.
- Uniform Rapid Suspension: A quicker, more efficient and cheaper alternative to the Uniform Dispute Resolution Policy to deal with clear cut cases of cybersquatting.
- Implementation of a Thick WHOIS making it easier for rights holders to identify and locate infringing parties
- Sunrise Eligibility Requirements (SERs).
- Music Eligibility Dispute Resolution Process (MEDRP).
- The .music TLD will use a variety of online scanning tools that search for key words that are commonly used to signal the availability of music distributed without appropriate authorization or in violation of intellectual property rights to aid in mitigating copyright infringement.
- We will engage an abuse detection and prevention team

A. Trademark Clearinghouse Including Sunrise and Trademark Claims

The first mandatory rights protection mechanism ("RPM") required to be implemented by each new gTLD Registry is support for, and interaction with, the trademark clearinghouse. The trademark clearinghouse is intended to serve as a central repository for information to be authenticated, stored and disseminated pertaining to the rights of trademark holders. The data maintained in the clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service. Although many of the details of how the trademark clearinghouse will interact with each registry operator and registrars, .Music is actively monitoring the developments of the Implementation Assistance Group ("IAG") designed to assist ICANN staff in firming up the rules and procedures associated with the policies and technical requirements for the trademark clearinghouse. In addition, .music's back-end registry services provider is actively participating in the IAG to ensure that the protections afforded by the clearinghouse and associated RPMs are feasible and implementable.

Utilizing the trademark clearinghouse, all operators of new gTLDs must offer: (i) a sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a trademark claims service for at least the first 60 days that second-level registrations are open. The trademark claim service is intended to provide clear notice" to a potential registrant of the rights of a trademark owner whose trademark is registered in the clearinghouse.

B. Uniform Dispute Resolution Policy (UDRP) and Uniform Rapid Suspension (URS)

1. UDRP

The UDRP is intended as an alternative dispute resolution process to transfer domain names from those that have registered and used domain names in bad faith. Although there is not much of an active role that the domain name registry plays in the implementation of the UDRP, Neustar has closely monitored UDRP decisions that have involved the TLDs for which it supports and ensures that the decisions are implemented by the registrars supporting its TLDs. When alerted by trademark owners of failures to implement UDRP decisions by its registrars, Neustar either proactively implements the decisions itself or reminds the offending registrar of its obligations to implement the decision.

2. URS

In response to complaints by trademark owners that the UDRP was too cost prohibitive and slow, and the fact that more than 70 percent of UDRP cases were "clear cut" cases of cybersquatting, ICANN adopted the IRT's recommendation that all new gTLD registries be required, pursuant to their contracts with ICANN, to take part in a Uniform Rapid Suspension System ("URS"). The purpose of the URS is to provide a more cost effective and timely mechanism for brand owners than the UDRP to protect their trademarks and to promote consumer protection on the Internet.

The URS is not meant to address Questionable cases of alleged infringement (e.g., use of terms in a generic sense) or for anti-competitive purposes or denial of free speech, but rather for those cases in which there is no genuine contestable issue as to the infringement and abuse that is taking place.

Unlike the UDRP which requires little involvement of gTLD registries, the URS envisages much more of an active role at the registry-level. For example, rather than requiring the registrar to lock down a domain name subject to a UDRP dispute, it is the registry under the URS that must lock the domain within 24 hours of receipt of the complaint from the URS Provider to restrict all changes to the registration data, including transfer and deletion of the domain names.

In addition, in the event of a determination in favor of the complainant, the registry is required to suspend the domain name. This suspension remains for the balance of the registration period and would not resolve the original website. Rather, the nameservers would be redirected to an informational web page provided by the URS Provider about the URS. Additionally, the WHOIS reflects that the domain name will not be able to be transferred, deleted, or modified for the life of the registration. Finally, there is an option for a successful complainant to extend the registration period for one additional year at commercial rates.

.music is fully aware of each of these requirements and will have the capability to implement these requirements for new gTLDs. In fact, during the IRT's development of the URS, Neustar began examining the implications of the URS on its registry operations and provided the IRT with feedback on whether the recommendations from the IRT would be feasible for registries to implement. Although there have been a few changes to the URS since the IRT recommendations, Neustar continued to participate in the development of the URS by providing comments to ICANN, many of which were adopted. As a result, Neustar is committed to supporting the URS for all of the registries that it provides back-end registry services.

3. CEDP

The mission of .music is to serve and represent the interests and defining elements of its membership. Appropriately, .music will develop a dispute process for members of the .music community to dispute .music domain activity that violates the RRA, RA, published acceptable use policy and/or community eligibility requirements for .music community membership. The CEDP will be available from the initiation of Sunrise through the ongoing operation of the registry during general availability. .music will engage ICANN accepted dispute resolution providers such as WIPO to adjudicate the CEDP and bind all relevant parties through the RRA and RA to comply with the finding of the arbitrators.

C. Implementation of Thick WHOIS

The .music registry will include a thick WHOIS database as required in Specification 4 of the Registry agreement. A thick WHOIS provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

D. Policies Handling Complaints Regarding Abuse

In addition the Rights Protection mechanisms addressed above, <Applicant> will implement a number of measures to handle complaints regarding the abusive registration of domain names in its TLD as described in .music's response to Question 28.

Registry Acceptable Use Policy

One of the key policies each new gTLD registry is the need to have is an Acceptable Use Policy that clearly delineates the types of activities that constitute "abuse" and the repercussions associated with an abusive domain name registration. The policy must be incorporated into the applicable Registry-Registrar Agreement and reserve the right for the registry to take the appropriate actions based on the type of abuse. This may include locking down the domain name preventing any changes to the contact and nameserver information associated with the domain name, placing the domain name "on hold" rendering the domain name non-resolvable, transferring to the domain name to another registrar, and/or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation. .music's Acceptable Use Policy, set forth in our response to Question 28, will include prohibitions on phishing, pharming, dissemination

of malware, fast flux hosting, hacking, and child pornography. In addition, the policy will include the right of the registry to take action necessary to deny, cancel, suspend, lock, or transfer any registration in violation of the policy.

Monitoring for Malicious Activity

.music is committed to ensuring that those domain names associated with abuse or malicious conduct in violation of the Acceptable Use Policy are dealt with in a timely and decisive manner. These include taking action against those domain names that are being used to threaten the stability and security of the TLD, community requirements, or is part of a real-time investigation by law enforcement. Once a complaint is received from a trusted source, third-party, or detected by the Registry, the Registry will use commercially reasonable efforts to verify the information in the complaint. If that information can be verified to the best of the ability of the Registry, the sponsoring registrar will be notified and be given 12 hours to investigate the activity and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the Registry to keep the name in the zone. If the registrar has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "ServerHold". Although this action removes the domain name from the TLD zone, the domain name record still appears in the TLD WHOIS database so that the name and entities can be investigated by law enforcement should they desire to get involved.

Reducing Opportunities for Behaviors such as Phishing or Pharming

Due to the extensive and exhaustive mark requirements and trademark validation protocols during Sunrise, the registration of effective Phishing domains during the startup period is effectively prevented. Pharming opportunities will be diminished since pharming requires an initially resolving domain and because Sunrise application will only result in resolving domains after the close of the Sunrise period. Question 28 ("Abuse Prevention and Mitigation") outlines our considerable and strong anti-abuse program. Our program has been effective in shutting down phishing and pharming and has the ability for quick takedown of domain name abuses. This program will prove a deterrent to the criminal element since it greatly reduces attempts to initiate phishing domains without infringing upon the rights of legitimate registrants. Similarly, pharming is typically done by redirecting traffic at the recursive DNS level; therefore, intervention at the ISP level has proven effective in curtailing this activity. By producing and maintaining related educational FAQs on related DNS security together with providing educational materials on how pharming works on the Registry's public website, we will support ISP mitigation initiatives. These programs are designed for use in the Land Rush and Open Registration periods.

29.2 Safeguards against Unqualified Registrations

Robust Sunrise Program

Sunrise

In order to fully maximize the awareness of potential trademark holders, the .Music Sunrise will be strategically marketed both directly to the general public as well as Reseller channels. Domains that are open to application will be specified through our Sunrise policy. The Sunrise period will include a two week quiet period and will operate for a minimum of 30 days prior to the general availability of domain names. While the work connected to Trademark Clearinghouse matches and related notifications are being completed, the registration functions will not be available throughout the quiet period.

Eligible Rights

The proposed Sunrise Eligibility Requirements (SERs) will be congruent to the following qualifications which were taken from many previous TLD Sunrise programs:

- (i) Ownership of a qualifying mark.
 - a. See Section 7.2, number (i): The registry will honor and recognize all word marks that are regionally or nationally registered. The Trademark Clearinghouse would have had to have received and validated proof of use of the word mark - either by a declaration or a single specimen of current use.
 - b. Trademarks not listed in the Clearinghouse but which are verified by a third party validation contractor and which conform to the following standards will be honored and recognized:
 - i. the Domain Name is identical to the textual or word elements of the trademark or service mark registration on which the registration of the Domain Name is based, AND
 - ii. the trademark or service mark registration on which the registration of the Domain Name is based is of national effect; AND
 - iii. the trademark or service mark registration on which the registration of the Domain Name was based was issued (registered) prior to [a cutoff date to be determined].
 - iv. representation that all provided information is true and correct; and
 - v. provision of data sufficient to document rights in the trademark.
- (ii) Applicant must be verified as a member of the .Music community.
 - i. Applicant must have declared related membership in an accredited .music member association.
 - ii. Submitted Applicant information will be submitted to their declared member association. Applicants not found on the rosters of the member association may be declared invalid by the member association. Applicants found to have applied for a domain without community membership will be subject to the Acceptable Use Policy and will forfeit the domain.
 - iii. Applicant must be clear of all dispute processes (including the Community Eligibility Dispute Process prior to acceptance of their Sunrise applications.

Application Process

Submissions received during Sunrise will be accepted as applications only. Once the Trademark has been declared to conform to the SERs listed above, it will be accepted as a full registration. Multiple applications for the same string will be allowed from multiple Trademark holders. Where more than one qualifying applicant exists, contention will be resolved through auction. The application will be promoted to a full domain registration if there is a single qualifying applicant or if an auction has been won in the case of more than one qualifying applicant.

Trademark Validation and Safeguards

Sunrise applications will be examined by a third party Trademark validator as permitted/approved by ICANN. This validator will have global experience and thus be well versed in intellectual property law and will engage the following process and functions:

Examination of Trademark

Trademarks will be validated against either the Trademark Clearinghouse, or against a National Trademark Database from a qualifying country. This is a strict requirement for a Sunrise application to be considered "qualified or validated".

Additional Information

Any Sunrise application will be subject to a request for additional information or clarifying documents as decided by the Trademark Validator. This may include direct verification of the applicant's identity with respect to the cited trademark.

Deterrents

Administration fees associated with filing Sunrise applications are NOT refundable. We will make this abundantly clear in policy documents, training materials and FAQs. This administration fee is designed to recover validation costs and will discourage frivolous applications.

Contending Applications, Sunrise Auctions

Following the close of the Sunrise period, the Registry will complete all Sunrise application validations. The only three outcomes and subsequent actions are as follows:

- Outcome: Only one valid application is received for a given string.

Action: The domain will be awarded to that applicant.

- Outcome: Two or more valid applications are received for the same string.

Action: The domain will be offered to the applicants at auction. The highest bidder will be awarded the domain.

- Outcome: No valid applications are received for a given string.

Action: The domain will be offered in subsequent phases of the Registry but without Trademark requirements.

Additional Considerations

It may take some time to conduct a Sunrise auction and these will likely overlap other phases such as Landrush. If no applicant places a bid at auction, then the domain will be awarded to the first valid application.

Parties who may wish to file a UDRP or CEDP challenge will have 60 days in which to do so. During this time, domains awarded under Sunrise will be locked (Sunrise lock status)

Once a Sunrise domain is awarded, it will be promoted to a full registration and the relevant (RDDS) Whois data will be published as per standard Registry (RDDS) Whois policy.

Conflict of Interest restrictions will be applied to employees, contractors, consultants and significant investors of the Registry disallowing participation in Sunrise auctions.

29.3 Resourcing Plans

The rights protection mechanisms described in the response above involve a wide range of tasks, procedures, and systems. The responsibility for each mechanism varies based on the specific requirements. In general the development of applications such as sunrise and IP claims is the responsibility of the Engineering team, with guidance from the Product Management team. Customer Support and Legal play a critical role in enforcing certain policies such as the rapid suspension process. These teams have years of experience implementing these or similar processes.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31. The following resources are available from those teams:

Development/Engineering - 19 employees

Product Management - 4 employees

Customer Support - 12 employees

Abuse and Compliance Monitoring Team - 4 employees

.Music, as noted in our financials, has provisioned for a community compliance and support function.

Oncall 24/7/365, this team supports both the community eligibility verification functions as well as providing response and support required for the related dispute process beyond Neustar customer support.

We estimate the community and compliance support function will spend no more than 5% of their collective time responding to related dispute procedures in view of the estimated registration volumes and for the following reasons:

- Registrants are verified members of an accredited .Music community organization or association in order to have an "active" registration and are held to strict community eligibility requirements
- Registrants are well informed that IP protection is a fundamental priority to attain a .Music domain. They risk substantial investment loss by risking non-compliance to the participation requirements in .Music
- Registrants who lose their .Music registrations due to non-compliance can put their related music organization or association memberships at risk

30(a). Security Policy: Summary of the security policy for the proposed registry

30.(a).1 Security Policies

.MUSIC LLC and our back-end operator, Neustar recognize the vital need to secure the systems and the integrity of the data in commercial solutions. The .music registry solution will leverage industry-best security practices including the consideration of physical, network, server, and application elements.

Neustar's approach to information security starts with comprehensive information security policies. These are based on the industry best practices for security including SANS (SysAdmin, Audit, Network, Security) Institute, NIST (National Institute of Standards and Technology), and CIS (Center for Internet Security). Policies are reviewed annually by Neustar's information security team.

The following is a summary of the security policies that will be used in the dotMusic Registry, including:

1. Summary of the security policies used in the registry operations
2. Description of independent security assessments
3. Description of security features that are appropriate for .music
4. List of commitments made to registrants regarding security levels

.MUSIC LLC is a newly formed entity to service the dotMusic Registry. As per our plans described in Qs46-50, most staffing and front office services required to operate the registry will be developed during our ramp-up period to launching the registry. As such, .music has decided to adopt the applicable security practices of our registry service provider Neustar for the following reasons: 1) Neustar's policies and practices are far more extensive than ICANN's requirements; 2) These security policies and practices fully envelop and exceed the considerations of registry front-end services; 3) Neustar's practices represent registry industry specialization and best of breed practices.

All of the security policies and levels described in this section are appropriate for the .music registry.

30.(a).2 Summary of Security Policies

Neustar has developed a comprehensive Information Security Program in order to create effective administrative, technical, and physical safeguards for the protection of its information assets, and to comply with Neustar's obligations under applicable law, regulations, and contracts. This Program establishes Neustar's policies for accessing, collecting, storing, using, transmitting, and protecting electronic, paper, and other records containing sensitive information.

-The policies for internal users and our clients to ensure the safe, organized and fair use of information resources.

-The rights that can be expected with that use.

-The standards that must be met to effectively comply with policy.

-The responsibilities of the owners, maintainers, and users of Neustar's information resources.

-Rules and principles used at Neustar to approach information security issues

The following policies are included in the Program:

1. Acceptable Use Policy

The Acceptable Use Policy provides the rules of behavior covering all Neustar Associates for using Neustar resources or accessing sensitive information.

2. Information Risk Management Policy

The Information Risk Management Policy describes the requirements for the on-going information security risk management program, including defining roles and responsibilities for conducting and evaluating risk assessments, assessments of technologies used to provide information security and monitoring procedures used to measure policy compliance.

3. Data Protection Policy

The Data Protection Policy provides the requirements for creating, storing, transmitting, disclosing, and disposing of sensitive information, including data classification and labeling requirements, the requirements for data retention. Encryption and related technologies such as digital certificates are also covered under this policy.

4. Third Party Policy

The Third Party Policy provides the requirements for handling service provider contracts, including specifically the vetting process, required contract reviews, and on-going monitoring of service providers for policy compliance.

5. Security Awareness and Training Policy

The Security Awareness and Training Policy provide the requirements for managing the on-going awareness and training program at Neustar. This includes awareness and training activities provided to all Neustar Associates.

6. Incident Response Policy

The Incident Response Policy provides the requirements for reacting to reports of potential security policy violations. This policy defines the necessary steps for identifying and reporting security incidents, remediation of problems, and conducting lessons learned post-mortem reviews in order to provide feedback on the effectiveness of this Program. Additionally, this policy contains the requirement for reporting data security breaches to the appropriate authorities and to the public, as required by law, contractual requirements, or regulatory bodies.

7. Physical and Environmental Controls Policy

The Physical and Environment Controls Policy provides the requirements for securely storing sensitive information and the supporting information technology equipment and infrastructure. This policy includes details on the storage of paper records as well as access to computer systems and equipment locations by authorized personnel and visitors.

8. Privacy Policy

Neustar supports the right to privacy, including the rights of individuals to control the dissemination and use of personal data that describes them, their personal choices, or life experiences. Neustar supports domestic and international laws and regulations that seek to protect the privacy rights of such individuals.

9. Identity and Access Management Policy

The Identity and Access Management Policy covers user accounts (login ID naming convention, assignment, authoritative source) as well as ID lifecycle (request, approval, creation, use, suspension, deletion, review), including provisions for system/application accounts, shared/group accounts, guest/public accounts, temporary/emergency accounts, administrative access, and remote access. This policy also includes the user password policy requirements.

10. Network Security Policy

The Network Security Policy covers aspects of Neustar network infrastructure and the technical controls in place to prevent and detect security policy violations.

11. Platform Security Policy

The Platform Security Policy covers the requirements for configuration management of servers, shared systems, applications, databases, middle-ware, and desktops and laptops owned or operated by Neustar Associates.

12. Mobile Device Security Policy

The Mobile Device Policy covers the requirements specific to mobile devices with information storage or processing capabilities. This policy includes laptop standards, as well as requirements for PDAs, mobile phones, digital cameras and music players, and any other removable device capable of transmitting, processing or storing information.

13. Vulnerability and Threat Management Policy

The Vulnerability and Threat Management Policy provides the requirements for patch management, vulnerability scanning, penetration testing, threat management (modeling and monitoring) and the appropriate ties to the Risk Management Policy.

14. Monitoring and Audit Policy

The Monitoring and Audit Policy covers the details regarding which types of computer events to record, how to maintain the logs, and the roles and responsibilities for how to review, monitor, and respond to log information. This policy also includes the requirements for backup, archival, reporting, forensics use, and retention of audit logs.

15. Project and System Development and Maintenance Policy

The System Development and Maintenance Policy covers the minimum security requirements for all software, application, and system development performed by or on behalf of Neustar and the minimum security requirements for maintaining information systems.

30.(a).3 Independent Assessment Reports

Neustar IT Operations is subject to yearly Sarbanes-Oxley (SOX), Statement on Auditing Standards #70 (SAS70) and ISO audits. Testing of controls implemented by Neustar management in the areas of access to programs and data, change management and IT Operations are subject to testing by both internal and external SOX and SAS70 audit groups. Audit Findings are communicated to process owners, Quality Management Group and Executive Management. Actions are taken to make process adjustments where required and remediation of issues is monitored by internal audit and QM groups.

External Penetration Test is conducted by a third party on a yearly basis. As authorized by Neustar, the

third party performs an external Penetration Test to review potential security weaknesses of network devices and hosts and demonstrate the impact to the environment. The assessment is conducted remotely from the Internet with testing divided into four phases:

- A network survey is performed in order to gain a better knowledge of the network that was being tested
- Vulnerability scanning is initiated with all the hosts that are discovered in the previous phase
- Identification of key systems for further exploitation is conducted
- Exploitation of the identified systems is attempted.

Each phase of the audit is supported by detailed documentation of audit procedures and results. Identified vulnerabilities are classified as high, medium and low risk to facilitate management's prioritization of remediation efforts. Tactical and strategic recommendations are provided to management supported by reference to industry best practices.

30.(a).4 Augmented Security Levels and Capabilities

There are no increased security levels specific for .music. However, Neustar will provide the same high level of security provided across all of the registries it manages.

A key to Neustar's operational success is Neustar's highly structured operations practices. The standards and governance of these processes:

- Include annual independent review of information security practices
- Include annual external penetration tests by a third party
- Conform to the ISO 9001 standard (Part of Neustar's ISO-based Quality Management System)
- Are aligned to Information Technology Infrastructure Library (ITIL) and CoBIT best practices
- Are aligned with all aspects of ISO IEC 17799
- Are in compliance with Sarbanes-Oxley (SOX) requirements (audited annually)
- Are focused on continuous process improvement (metrics driven with product scorecards reviewed monthly).

A summary view to Neustar's security policy in alignment with ISO 17799 can be found in section 30.(a).5 below.

30.(a).5 Commitments and Security Levels

The .music registry commits to high security levels that are consistent with the needs of the TLD. These commitments include:

Compliance with High Security Standards

- Security procedures and practices that are in alignment with ISO 17799
- Annual SOC 2 Audits on all critical registry systems
- Annual 3rd Party Penetration Tests
- Annual Sarbanes Oxley Audits

Highly Developed and Document Security Policies

- Compliance with all provisions described in section 30.(b) and in the attached security policy document.
- Resources necessary for providing information security
- Fully documented security policies
- Annual security training for all operations personnel

High Levels of Registry Security

- Multiple redundant data centers
- High Availability Design
- Architecture that includes multiple layers of security
- Diversified firewall and networking hardware vendors
- Multi-factor authentication for accessing registry systems
- Physical security access controls
- A 24x7 manned Network Operations Center that monitors all systems and applications
- A 24x7 manned Security Operations Center that monitors and mitigates DDoS attacks
- DDoS mitigation using traffic scrubbing technologies

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Appendix B

Non-negligible, relevant opposition to .music LLC
Application 1-959-51046

Canadian Independent Music Association (CIMA)

The Canadian Independent Music Association (CIMA), founded in 1975, is the not-for-profit national trade association representing the English-language, Canadian-owned sector of the music industry. CIMA's membership consists of Canadian-owned companies and representatives of Canadian-owned companies involved in every aspect of the music, sound recording and music-related industries. They are exclusively small businesses which include: record producers, record labels, recording studios, managers, agents, licensors, music video producers and directors, creative content owners, artists and others professionally involved in the sound recording and music video industries.

CIMA's mandate is to develop and advocate policies and services that serve to support a strong and economically stable Canadian independent music and sound recording industry, ensuring the long-term development of the sector and to raise the profile of Canadian independent music both in Canada and around the world.

CIMA continues to take a leadership role in improving the economic viability and well-being of the independent music and sound recording sector in important areas such as cultural industry policies and programs; intellectual property and copyright law; tax laws and tariffs; international export and trade development programs; and professional development.

Establishment: 1975

Community activities: <http://www.cimamusic.ca/about-cima/>

Membership Information: <http://www.cimamusic.ca/membership/>

Bandzoogle

Bandzoogle, founded in 2004, is a music-focused advanced website builder platform for tens of thousands of bands around the world. Bandzoogle provides online tools for musicians to build a professional website, promote their music, and sell directly to fans. The all-in-one platform lets an artist's website become the hub of all their online activity, with a built-in store, fan management tools, email and text message blasts, detailed reporting and integration with social networks. Thousands of bands use Bandzoogle to build their music websites and growing.

Establishment: 2004

Community Activities: <https://bandzoogle.com/about-us>

SF Music Tech

The SF MusicTech Summit brings together visionaries in the evolving music/business/technology ecosystem, along with the best and brightest developers, entrepreneurs, investors, service providers, journalists, musicians, and organizations who work with them at the convergence of culture and commerce. We meet to do business and discuss, in a proactive, conducive to dealmaking environment. The SF MusicTech Fund invests in early stage internet music and technology companies discovered at the SF MusicTech Summit.

Website: <http://sfmusictech.com>

About Brian Zisk:

Brian Zisk is a strategist specializing in music, tech & founder advising (<http://brianzisk.com>)

Currently Promoting

[SF MusicTech Summit](#) - Founder & Executive Producer

[Future of Money & Technology Summit](#) - Founder & Executive Producer

[SF MusicTech Fund](#) - General Partner

Board Member / Advisory Board

[Future of Music Coalition](#), Co-Founder & Technologies Director

[MetaBrainz Foundation](#), creators of [MusicBrainz](#)

[Xiph Foundation](#), creators of Icecast, Vorbis, FLAC, and Theora

[Creative Allies](#)

[Anti-Bride](#)

Sync Exchange

Sync Exchange is a global music licensing marketplace. Its company's core mission is to help musicians, rights holders, composers and music supervisors better connect.

Website: <http://syncexchange.com/>

Tommy Boy & New Music Seminar

Tommy Boy

Tommy Boy is an independent record label started in 1981 by Tom Silverman. The label is widely recognized for significant contribution to the development of hip hop music, dance music, and electronica.

Website: TommyBoy.com

The New Music Seminar (NMS)

The NMS is the ultimate destination founded by Tom Silverman where artists, industry players, and companies are provided the knowledge, tools, and connections they need to succeed and build the New Music Business. The mission of the New Music Seminar is to grow a sustainable and better music business to allow creators the best opportunity to succeed. The NMS strives to enable more artists to achieve success and encourages new levels of investment in music and artists. In its 15-year run, the first series of seminars annually attracted more than 8,000 participants from 35 countries, and was considered one of the most influential Music Business Conferences in the World.

Website: <http://newmusicseminar.com>

About Tom Silverman

Tom Silverman is the founder and CEO of Tommy Boy, a record label established in 1981. Silverman also co-founded the annual New Music Seminar, which initially ran from 1980 to 1994 and relaunched in 2009, and continues every June in New York City. He co-founded Dance Music Report magazine, which ran from 1978 to 1992. Tom co-founded the Dance Music Hall of Fame, which existed from 2003 to 2005. Silverman was also a vice president of Warner Bros. Records from 1986 to 2002, while Tommy Boy was an independently distributed subsidiary of that company.

Silverman serves on the boards of the Recording Industry Association of America (RIAA) (http://www.riaa.com/aboutus.php?content_selector=who_we_are_board), SoundExchange (<http://www.soundexchange.com/about/our-team/board-of-directors/>), a founding board member of A2IM American Association of Independent Music (A2IM and its predecessors NAIRD/AFIM), Merlin (<http://www.merlinnetwork.org/board>), a global rights agency representing the world's most important set of independent music rights. He previously served on the boards of the Rock and Roll Hall of Fame and the Dance Music Hall of Fame, plus the NARM Manufacturer's Advisory Board. Silverman is also co-founder of the independent film and television company Tommy Boy Films. In 2013 he was awarded the A2IM Libera Lifetime Achievement Award. He received the National Academy of Recording Arts and Sciences Heroes Award in 2000.

Independent Music New Zealand (IMNZ)

Independent Music New Zealand (IMNZ) is a non-profit trade association – the New Zealand voice for independent record labels and distributors. Our members release the bulk of New Zealand music, including commercially successful artists as well as niche music genres.

IMNZ started in 2001. These labels and distributors collectively represent the majority of all musical acts in New Zealand, producing the best music on the planet – but hey we're totally biased about that!

Independent Music New Zealand monitors and advocates for our members rights, working to spread their message, and lobbies for any changes to the industry that will benefit local labels and their artists. Some of the issues where it is important to represent the interests of our members include government legislation and the copyright act, quotas, commercial and non-commercial radio, parallel importing, government funding allocation and music policy, online licensing, piracy, synchronisation licensing and many others.

IMNZ is centrally located in Auckland, which provides easy access to our members, the majority of whom are based in the North Island. The IMNZ office is maintained at 7 Great North Road, Ponsonby. IMNZ is funded by member subscriptions and contributions from NZ Music Commission and PPNZ.

IMNZ's Vision: "A thriving independent music industry and culture in New Zealand"

The three IMNZ core objectives are:

1. To advocate the values and interests of our members and the New Zealand independent sector; working with the government, other cultural agencies and music industry bodies;
2. To aid the development and knowledge of our members by providing them all the necessary tools to develop their art and grow their business; and
3. To provide collective group benefits for our members and their businesses.

IMNZ is for New Zealand owned record labels and distributors. Eligibility for IMNZ membership requires a majority of New Zealand ownership of the label/distributor (or parent company) and the majority of your releases must be by New Zealand artists.

Website: <http://www.indies.co.nz/imnz/>

BureauExport / French-music.org

bureauexport is a global network whose mission is to help French music professionals develop their artists internationally, covering all styles of music (electronic, jazz, pop, rock, world, urban, classical). bureauexport has offices around the world, based in Berlin (for Germany / Austria / Switzerland / Benelux / Eastern Europe), London (for United Kingdom/Ireland), New York (for United States), Tokyo (for Japan), São Paulo (for Brazil), with a central office in Paris (for other territories).

bureauexport local offices outside of France are co-administered by bureauexport and local French Embassies. Their role is multi-faceted, supporting French music professionals, helping international music professionals work with French-produced artists, organising specific French music operations, and just as importantly, helping organise and exchange projects between France and other countries.

bureauexport's central Paris office manages the network of offices around the world and their budgets, oversees the website french-music.org, keeps French music professionals up-to-date with the latest market news from their offices outside France, monitors territories where there is no permanent bureauexport presence, coordinates partnerships with French festivals and professional events interested in international exchange, and is the home of the 'commissions' - the grant procedures supporting French music financially outside of France.

The Paris office manages global partnerships with bureauexport's political & financial partners, including professional French music organizations, the French Ministry of Culture and the French Ministry of Foreign Affairs. This central office is also in charge of lobbying and communication for the bureauexport global network.

Partners include the Civil Union of Phonographic Producers (SCPP), the Civil Union of Phonographic Producers in France (SPPF), the National Syndicate of Phonographic Production (SNEP), the Union of French Independent Phonographic Producers (UPFI), the Music Creation Fund (FCM) and the National Center for Pop, Chanson and Jazz Music (CNV).

Website: <http://www.french-music.org/home.html>

Redeye Distribution

Redeye Distribution is an independent music distribution company founded in 1996 in Chapel Hill, North Carolina. In addition, Redeye has two in-house labels: Yep Roc Records and Eleven Thirty Records. Redey has won the National Association of Recording Merchandisers (NARM) Distributor of the Year Award (Small Division) seven times (2000, 2002–2007) and were re-designated as a Medium Division distributor by NARM in 2008.

Based in Haw River, NC (near Raleigh/Durham/Chapel Hill), Redeye began in 1996 by focusing on the rich independent music of the southeast and providing the artists that made up the scene with a distribution option to give them access to all retail accounts located in their region. Since then, Redeye has charted a course of steady, sustainable growth by developing a strong physical and digital distribution network both nationally and internationally and providing a multitude of services to our partners.

Redeye's 5000-plus title catalog is representative of a wide range of the best independent music available. Regardless of genre, the unifying element of the catalog is an overall commitment to quality. Its network of international partners includes the finest retail partners from around the globe, touching every territory worldwide. They distribute music to chain stores such as Best Buy as well as every domestic one-stop distributor in the United States. Redeye is also a major distributor on the digital front, servicing all major DSPs such as iTunes, Spotify, YouTube and more.

Website: <http://www.redeyeusa.com/>

IKON Russia

IKON is one of Russia's largest music organizations focusing in management, booking, promotion, events, records and publishing. IKON was founded in 2000 by Vlad Davydov, a Russian businessman, by the time already well known in professional circles in Russia and abroad. In May 2006 IKON was rated by Forbes as Russia's leading entertainment buyer.

In its early stages the company mainly acted as a booking agency in Russia and CIS booking or organizing performances of international pop stars such as Jamiroquai, Ricky Martin, Dannii Minogue, Bond, Benny Benassi, Geri Halliwell, Craig David, Sugababes, Bomfunk MCs, Shakira, Paul Oakenfold, Junkie XL, Asian Dub Foundation, Panjabi MC, Fluke, Duran Duran, UB40, Ten Sharp, Basement Jaxx, Touch and Go and many others. The company's catalog currently works from artists such as: David Guetta (FRA), Paul Oakenfold (UK / USA), Inusa DAWUDA (GER), Vacuum (Sweden), Touch & Go (UK), Ten Sharp (HOL), Gorchitza (UA), Ivan Dorn (UA). On the territory of the Russian Federation, together with partners, IKON manages the rights to the works of a number of other well-known foreign and domestic authors and performers

IKON provides business management, booking, distribution, production and promotion services for foreign artists in Russia and CIS in cooperation with leading Russian TV channels Muz TV, MTV, STS, Channel One, NTV, TV Center, MusicBox, A-One, O2TV; radio stations Europa Plus, DFM, Megapolis FM, Radio Mayak, Love Radio, NRJ, Radio Maximum, Radio Frame, Silver Rain Radio; major international publishing houses and print magazines Axel Springer AG (OK!), Bauer Media Group (Bravo), C-Media (Billboard), Hachette Filipacchi Media (Maxim), Hubert Burda Media (Playboy), Sanoma Magazines (Men's Health), Forward Media Group (Hello!), InStyle Magazine, F5, MK, KP; and popular web portals Mail.ru, PromoDJ.ru, Newsmusic.ru., Rutube.ru, Tata.ru, Muz.ru, Zvuki.ru, Loungemusic.ru, Intremoda.ru.

The company's own communication department, a broad network of partners – venues, promoters, event agencies, entertainment brokers – in total more than 6000 contacts in Russia and the CIS, as well as direct cooperation with major channels of physical and digital distribution are key factors that allow artists signed by IKON to succeed in Russia and CIS. IKON has been working directly with major international brands such as Marlboro, L&M, West, Snickers, Burn, Adrenaline Rush, Coca-Cola, Pepsi, Parliament, Lamborghini, Jaguar, Audi, Volkswagen, Russian Standard, Bacardi, Martini, Martell, Nokia, Motorola, Sony, Samsung developing unique BTL strategies, providing consulting services and artists for communication campaigns, organizing over 1000 public concerts and corporate shows with major international stars in over 10 years.

Website: <http://ikon.ru>

Altafonte Music Network

Altafonte the #1 music distributor for Spanish independent labels, covering services for all formats from streaming of singles to vinyl albums.

[PIAS] Entertainment Group and Altafonte have formed an alliance in Iberia and Latin America. As part this [PIAS] agreement we: represent [PIAS]'s labels; do physical distribution of CD's, DVD's, and vinyl; direct and carry out marketing and promotion campaigns; administer related rights; and digitally represent some of the artists from their digital catalogue. This alliance has made them the largest independent physical supplier in Spain and Portugal.

Altafonte is also the leading independent digital distribution company in Iberia and Latin America. It has agreements and alliances with leading labels, producers, distributors, management entities, communication companies, and concert/festival promoters. These alliances span countries including Spain, Portugal, Mexico, Cuba, Colombia, Chile, Uruguay and Argentina, among others. Altafonte actively operates in all of these markets while providing professional services throughout the region. Altafonte also focuses its attention on the music industry in the United States, where the strong presence of Latin music and culture continues to grow.

Altafonte distributes digital and physical music to over 100 platforms worldwide including Apple iTunes, Spotify, Amazon, Google Play, Youtube, Vevo, 7Digital, Rdio, Vodafone, Rhapsody, Shazam, Napster, Deezer, Pandora, Slacker, Ovi, Orange and others.

Website: <http://altafonte.com/en/>

Lyricfind

LyricFind is the world's leader in legal lyric solutions. Founded in 2004, LyricFind exists to fill the void of the most popular music content on the Internet – lyrics. In order to provide a successful lyrics service, LyricFind has not only amassed licensing from over 2,000 music publishers, including all four majors – EMI Music Publishing, Universal Music Publishing Group, Warner/Chappell Music Publishing, and Sony/ATV Music Publishing – but has also built a quality-controlled, vetted database of those lyrics available for licensing. Additionally, LyricFind works closely with The Harry Fox Agency to aggregate licensing from publishers.

Behind the scenes, LyricFind tracks, reports, and pays royalties to those publishers on a song-by-song and territory-by-territory basis. Additionally, LyricFind has a customized search solution available to licensees to identify music based on lyrics, and answer that age-old question of “What’s that song?” LyricFind powers lyrics for many brands and over 1,000 different music sites and mobile applications such as Shazam, Bing, Lyrics.com, Cox, Slacker, Virgin, mSpot, Rhapsody and others.

LyricFind also a partnership deal with Universal Music Publishing Group (UMPG) to be the sole third party able to administer future licenses for lyrics controlled by UMPG. LyricFind's deal with UMPG, one of the world's leading music publishers, solidifies its position as the number one lyric rights management company in the world.

Website: www.lyricfind.com

The BM&A (Brasil Música & Artes)

The BM&A (Brasil Música & Artes), is a non-profit organization, set up in July 2001 with the objective of encouraging and organizing the promotion of Brazilian music abroad, working with artists, record companies, distributors, exporters, collection societies and cultural entities. It carries out activities on behalf of the whole sector, including organizing seminars, and workshops, carrying out international market studies and trade fairs, and promotion (media, promotional material, international showcases, and partnerships with foreign institutions etc).

BM & A entered into agreements with various governments, national and international associations - with which it works in partnership - and created a network of international relationships that enable more and better opportunities for the exported Brazilian music. In this context, BM & A renewed again his agreement with Export Agency (Apex) for the biennium 2013-2015 (this partnership has been renewed since 2002), with the creation of the project BME (Brazil Music Exchange).

Establishment: 2001

Community Activities: <http://bma.org.br/site/sobre.php>

Membership information: <http://bma.org.br/site/associados.php>

Music Xray

Music Xray creates those tools and makes them available online while simultaneously leveling the playing field for musicians, making it less about who you know and more about pure talent, skill, and market appeal. Music Xray is a platform where artists can submit their music directly to Industry Professionals. When you submit to an opportunity, your track goes directly to the decision makers: no middle-men, no pre-screeners, just a direct link between artist and Industry Professional. Interested in creating account? Continue reading below for instructions:

Music Xray's Fan Targeting campaigns guarantee potential fans listen, which isn't always a given in today's "attention economy" If they hear compelling music they convert from potential fans to direct fans and artists learn which of their songs convert new fans quickly and cost-effectively. Music Xray facilitates a more efficient, lower cost, and less risky A&R process. Itsr growing platform with a community of over 100,000 artists enables the industry to open the doors of opportunity to musicians and songwriters everywhere and to harness the most powerful tools ever built specifically for those who conduct A&R.

As long as there are commercial opportunities for music there will be industry professionals making the decisions regarding which songs and artists are chosen. Those decision makers will use the best tools available to streamline, organize, and optimize their work while reducing the risk of making choices that don't meet their business objectives. Music Xray creates those tools and makes them available online while simultaneously leveling the playing field for musicians, making it less about who you know and more about pure talent, skill, and market appeal.

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Website: MusicXray.com



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Name: Stuart Johnston

Affiliation/Title/Position: President

Organization Name: Canadian Independent Music Association

Stuart Johnston

Signature: stuart@cimamusic.ca, Jun 30 '14 ip: 209.222.54.113

Date: June 30, 2014



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Name: David Dufresne

Affiliation/Title/Position: CEO

Organization Name: SitezoogLe inc. (d.b.a. BandzoogLe)

Signature: davduf@bandzoogLe.com, Jul 1 '14 ip: 184.160.205.187

Date: July 1st 2014



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Name: Brian Zisk

Affiliation/Title/Position: Executive Producer

Organization Name: SF MusicTech Summit

Signature: brianzisk@gmail.com, Jul 1 '14 ip: 76.102.227.0

Date: 7/1/2014



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Name: Mark frieser

Affiliation/Title/Position: Ceo

Organization Name: Sync exchange

Signature: 
mark@e311c.com, Jun 30 '14 ip: 208.54.80.233

Date: June 29, 2014



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Name: Thomas Silverman Email: TOM@TOMMYSBOY.COM
Occupation or Title: CEO

Signature: Date 6/19/14



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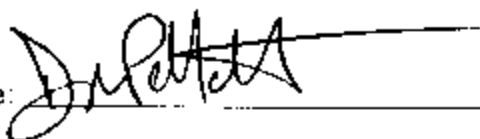
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Name: DILAN PELLETT Email: dylan@indies.co.nz

Occupation or Title: BUSINESS DEVELOPMENT MANAGER
INDEPENDENT MUSIC NZ

Signature:  Date 19 JUNE 2014



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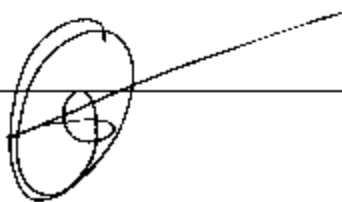
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Name: Michele AMAR Email: michele a @ french-music.org
Occupation or Title: Director Finance Rocks

Signature:  Date 6/17/2014



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Name: [Handwritten Signature] Email: [Handwritten Email]
Occupation or Title: [Handwritten Title]

Signature: [Handwritten Signature] Date: [Handwritten Date]



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Name: VLADLEN DAVYDOV Email: VLAD@IKON.SU

Occupation or Title: IKON, MD

Signature: [Handwritten Signature]

Date: 17/06/14



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Name: Florian von Hoyer Email: florian.vonhoyer@a1tafonle.com
Occupation or Title: General Manager

Signature:  Date: June 19th 2014



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Name: Darryl Ballantyne

Affiliation/Title/Position: CEO

Organization Name: LyricFind

DBallantyne

Signature: darryl@lyricfind.com, Jul 1 '14 ip: 99.231.176.245

Date: July 1, 2014



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Name: David McLoughlinAffiliation/Title/Position: International ConsultantOrganization Name: BM&ASignature:  _____Date: 06/30/2014



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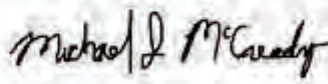
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Name: Mike McCready

Affiliation/Title/Position: CEO

Organization Name: Music Xray (Platinum Blue Music Intelligence)

Signature: 

Date: July 2, 2014

Appendix C

Relevant opposition to .music LLC Application 1-959-51046



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Name: Ariel Hyatt

Affiliation/Title/Position: Founder

Organization Name: Cyber PR

Signature: ah@cyberpr.com, Jul 1 '14 ip: 142.255.110.187

Date: July 1, 2014



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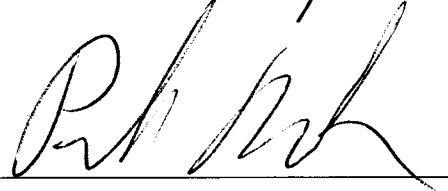
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Name: Peter Mann Email: Mannmann12@yahoo.com
Occupation or Title: Writer/producer / CEO Release Music

Signature:  Date: July 11 / 14



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Name: Dmitri Vietze Email: music@rockpaperscissors.biz
Occupation or Title: CEO

Signature:  Date 6/19/14



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Name: FREDERICK R. MUNAO Email: FMUNAO@AOL.COM

Occupation or Title: PRESIDENT SELECT RECORDS

Signature: 

Date: 6/19/14



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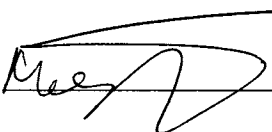
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Name: R. MOOSE Email: moose@thesyn.com

Occupation or Title: General Manager

Signature: 

Date: June 19, 2014



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Name: Zenon Marko Email: Zm@Zenonmarko.com
Occupation or Title: Music Producer/Composer

Signature: Z Marko Date 2014.6.16

Appendix D

General public signed opposition to .music LLC
Application 1-959-51046



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Additionally, we are deeply concerned that policies in .music LLC's Application (ID 1-959-51048) are not aligned with its Mission. Its Application does not meet the Community priority status criteria because it excludes a significant portion of the Community from registering .MUSIC domain names. It also excludes all of DotMusic Limited's Community organizations (constituting a majority of the Community) from offering .music domains to their legitimate music members. Their Application also lacks naming policies. The absence of such policies will increase abuse and cybersquatting because registrants would be allowed to register any domain name they want, even another entity's name. Also their policies do not have usage or content format mandates. This means that the content posted or usage of .MUSIC domain names would not be restricted only to music-related activities. This will compromise the quality control and trust of .MUSIC domain names harming the global Music Community and the Internet user's experience.

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Name: Shae Chappel
 Title: Executive Coordinator
 Company: Votiv

Signature: Shae Chappel Date: 6/19/14

Public Comments to ICANN & Economist Intelligence Unit

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Additionally, we are deeply concerned that policies in .music LLC's Application (ID 1-959-51048) are not aligned with its Mission. Its Application does not meet the Community priority status criteria because it excludes a significant portion of the Community from registering .MUSIC domain names. It also excludes all of DotMusic Limited's Community organizations (constituting a majority of the Community) from offering .music domains to their legitimate music members. Their Application also lacks naming policies. The absence of such policies will increase abuse and cybersquatting because registrants would be allowed to register any domain name they want, even another entity's name. Also their policies do not have usage or content format mandates. This means that the content posted or usage of .MUSIC domain names would not be restricted only to music-related activities. This will compromise the quality control and trust of .MUSIC domain names harming the global Music Community and the Internet user's experience.

The Government Advisory Committee (GAC), which consists of over 130 governments, has advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest and GAC advice to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community. The .MUSIC domain is a highly sensitive string operating in a highly regulated, IP-driven sector. To ensure trust, safety and accountability .MUSIC is optimally suited to be governed by the Music Community under DotMusic's Application to serve Music Community interests.

Name: Jessica Johnson
 Title: VP Marketing Strategy
 Company: Votiv

Signature: Jessica Johnson Date: 6/19/14



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Public Comments to ICANN & Economist Intelligence Unit

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Global access should be open to strings which do not rely on the internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

DoMusic's Application incorporates more music-focused policies and enhanced safeguards than any other MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. DoMusic will efficiently serve the global Music Community and ensure that the Community controls MUSIC and that monies flow to the Community through legally-licensed MUSIC sites and Community organizations.

It is deep concern that policies in music LLC's Application (ID 1-959-51046) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of DoMusic's Community organizations (constituting a majority of the Community) from offering music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e non-music-related activities are allowed). This will compromise the quality and trust of MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Co-creator Team Email: gocreator@do.com
Occupation or Title: Co-creator

Signature: [Signature] Date: [Date]

Name: Anthony Reji Email: reji.anthony@yahoo.co.in
Occupation or Title: Cashier

Signature: [Signature] Date: 06/29/2014

Name: Dillon Rhodes Email: DillonRhodes@HotMail.com
Occupation or Title: _____

Signature: Dillon Rhodes Date: 06/29/14

Name: Kathin Spades Email: Kathin Spades
Occupation or Title: Awesome Advertiser

Signature: [Signature] Date: 6/29/14

Name: Jaymes Key Email: Jaymeskey@gmail.com
Occupation or Title: _____

Signature: [Signature] Date: 6-29/14

Name: Joseph J. Jozar Email: patent@smoke@gmail.com
Occupation or Title: Patent Counsel

Signature: [Signature] Date: 6-29/14



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Name: Susan Stam Email: britgriff@dotmusic.com
Occupation or Title: Mental Health Tech

Signature: Susan M. Stam Date: 6/29/14

Name: KATHY STORM Email: Naukat@aol.com
Occupation or Title: HOUSEKEEPER

Signature: Kathy Storm Date: 6/29/14

Name: Chris O'Neil Email: 1-1085@dotmusic.com
Occupation or Title: HR/IT

Signature: Chris O'Neil Date: _____

Name: Bob Van Buren Email: bobvanburen@gmail.com
Occupation or Title: None

Signature: Bob Van Buren Date: 6/24/14

Name: Jack Butcher Email: Jr.Butt@yahoo.com
Occupation or Title: Pressure Washer

Signature: Paige Niemi Date: 6/29/14

Name: Paige Niemi Email: niempailb@gmail.com
Occupation or Title: Striper

Signature: Paige Niemi Date: 6/29/14



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Name: Anna Flouancy-Latimer Email: anna.flouancy.latimer@gmail.com
 Occupation or Title: guitar player

Signature: [Handwritten Signature] Date: 6/29/14

Name: Pave Ross Email: Pave.Ross-123@hotmail.com
 Occupation or Title: NA

Signature: Pave Ross Date: 6/29/14

Name: Laila Lipton Email: lipton.laila@gmail.com
 Occupation or Title: Producer

Signature: Caitlin Lipton Date: 6/29/14

Name: Tiebel Rebe Email: Tiebel.rebe@gmail.com
 Occupation or Title: med. umbrella

Signature: Tiebel Rebe Date: 6/29/14

Name: Samantha Jhu Email: smainej@aol.com
 Occupation or Title: Cashier/Caterer

Signature: Samantha Jhu Date: 6-29-14

Name: Tom Clarke Email: tom.clarke16@aol.com
 Occupation or Title: DJ

Signature: [Handwritten Signature] Date: 6-29-14



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Name: Gustavo M. Saurcer Email: SaurcerHake@gmail.com
Occupation or Title: Consultant

Signature: [Signature] Date: 06-29-14

Name: Kyla Youke Email: Kyla.Youke@gmail.com
Occupation or Title: School

Signature: [Signature] Date: 6-29-2014

Name: Adam G. Brunt Email: G1YMAQUX@GM dot I.com
Occupation or Title: fr. Ver

Signature: [Signature] Date: 6-29-14

Name: Andrew Email: STABMEDIA@earth
Occupation or Title: Manager

Signature: [Signature] Date: 6-29-14

Name: Olivia Email: OliviaKa@gmail.com
Occupation or Title: Sales Clerk

Signature: [Signature] Date: 6-29-14

Name: Thomas Johnston Email: t.e.johnston@btmail
Occupation or Title: computer Tech

Signature: [Signature] Date: 6-29-14



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Name: Josh Orton Email: J_ORTON777@
Occupation or Title: Musician yahoo.com

Signature: [Handwritten Signature] Date: 6/22/14

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Name: Amanda Walters Email: bulimicrainbow@hotmail.com
Occupation or Title: Barista

Signature: [Handwritten Signature] Date: 6/22/14

music_patibon.jpg

6/22/2014



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Name: Brandon Eberly Email: brandeneberly@ymail.com
Occupation or Title: Care Taker

Signature: *Brandon Eberly* Date: June 22, 14

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Name: Gabrielle Ameche Email: a_gabriele@rocketmail.com
Occupation or Title: Artist

Signature: *Gabrielle* Date: 6/22/14

music petition.jpg

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Name: Derek K Mccklenborg
Email: Derek.kmcclellan@lyuhoo.com
Occupation or Title: Security guard / promoter

Signature: [Handwritten Signature] Date: 6-22-14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Lena Anderson
Email: 1014giri1421ong@gmail.com
Occupation or Title: promoter

Signature: [Handwritten Signature] Date: 6/22/14

music publicm.jpg

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The purpose of this letter is to recommend that the governing body of the internet's namespace ICANN and the EIU Panel award DotMusic Limited (Application ID 1-1115-14110) community priority status because DotMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The .MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

DotMusic's Application incorporates more music-focused policies and enhanced safeguards than any other MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. DotMusic will efficiently serve the global Music Community and ensure that the Community controls .MUSIC and that money flow to the Community through legally-licensed .MUSIC sites and Community organizations.

It is deep concern that policies in .music LLC's Application (ID 1-959-31046) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering .music domains. It also excludes all of DotMusic's Community organizations (constituting a majority of the Community) from offering .music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e. non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Julie Crown Bolton Email: julieb@hotmail.com
Occupation or Title: designer

Signature: Julie Crown Bolton Date: 6/22/14

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Name: NAÏL MMAÏK Email: nailmmaik@proton.ch
Occupation or Title: PROFESSOR

Signature: Naïl MMAïk Date: 6-27-14

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6/22/2014



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Name: Derrick Garner Sr. Email: gulfcoastking@yahoo.com
Occupation or Title: Dad

Signature: [Handwritten Signature] Date: 6-22-14

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Name: Erin McAdan Email: erinschiffst666@hotmail.com
Occupation or Title: barista

Signature: [Handwritten Signature] Date: 6/22/14

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6/22/2014



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Name: Lauren Becherer

Title: _____

Company: Marketing GroupSignature: Date: 6.19.14

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Name: Chris McKnight

Title: _____

Company: _____

Signature: Date: 6/17/14



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Name: TRACY MARCANON
Title: CEO/OWNER
Company: SUSHI SAMURAI

Signature: [Handwritten Signature] Date: 6/7/14

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Name: _____
Title: _____
Company: _____

Signature: _____ Date: _____



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Name: Jeff Jones Email: iamwhitebox@gmail.com
 Occupation or Title: WEB DEVELOPER

Signature: [Handwritten Signature] Date: 6/17/14

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Name: Tyler Johnson Email: Taul Johnson92@gmail.com
 Occupation or Title: Unemployed

Signature: [Handwritten Signature] Date: 6/17/14



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Name: Nick Marhead

Title: Musician

Company: Self

Signature: _____

Date: 5/9/2014



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Name: Self
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Signature: _____ Date: _____

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Name: Samuel Liddell
 Title: _____
 Company: Self

Signature: Samuel Liddell Date: _____



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Name: David Price
Title: Project Manager
Company: Votiv

Signature: David Price Date: 6/19/14

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Name: LUKE FABRIEZI
Title: PROJECT MANAGER
Company: VOTIV

Signature: [Handwritten Signature] Date: 6/19/14



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Name: Jared Brought
 Title: _____
 Company: Self

Signature: Jared Brought Date: 6/19/14

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Name: Jared Brought
 Title: _____
 Company: Self

Signature: Jared Brought Date: 6/19/14



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Name: Lois Wilhelmi
 Title: _____
 Company: Self

Signature: [Handwritten Signature] Date: June 19, 2014

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Name: Martina Lavochka
 Title: _____
 Company: Alter Ego Seattle

Signature: [Handwritten Signature] Date: 6.18.14



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Name: Walter
 Title: Server/bartender
 Company: Self

Signature: [Handwritten Signature]

Date: 6-8-14

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Name: Joao Almeida
 Title: _____
 Company: Self-employed

Signature: [Handwritten Signature]

Date: 6-8-14



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Name: Jennifer Perry
 Title: Self
 Company: Self

Signature: Jennifer Perry Date: 6/8/14

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Name: Lauren Allen
 Title: Self
 Company: Self

Signature: Lauren Allen Date: 6/8/14



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Name: *Leslie Duff*
 Title: *Robert*
 Company: _____

Signature: *Leslie Duff* Date: *6/8/14*

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Name: *ROBIN PRASADIAN*
 Title: *SYS ANALYST*
 Company: *PINNACLE*

Signature: *[Signature]* Date: *6/8/14*



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Name: Jake Brad
Title: health coach
Company: Health is an Art

Signature: Jake Brad Date: 6/8/14

Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that ICANN and the EIU Panel award DotMusic Limited (Application ID 1-1115-14110) community priority status because DotMusic is the only applicant that surpasses the Community criteria. DotMusic's Application includes more music-focused policies and enhanced safeguards than any other .MUSIC Applicant, including a governance structure representing the entire global Music Community irrespective of type, size or locale. DotMusic will efficiently serve the global Music Community and ensure that the Community controls .MUSIC and that monies flow to the Community through legally-licensed .MUSIC sites and Community organizations.

Additionally, we are deeply concerned that policies in .music LLC's Application (ID 1-959-51046) are not aligned with its Mission. Its Application does not meet the Community priority status criteria because it excludes a significant portion of the Community from registering .MUSIC domain names. It also excludes all of DotMusic Limited's Community organizations (constituting a majority of the Community) from offering .music domains to their legitimate music members. Their Application also lacks naming policies. The absence of such policies will increase abuse and cybersquatting because registrants would be allowed to register any domain name they want, even another entity's name. Also their policies do not have usage or content format mandates. This means that the content posted or usage of .MUSIC domain names would not be restricted only to music-related activities. This will compromise the quality control and trust of .MUSIC domain names harming the global Music Community and the Internet user's experience.

The Government Advisory Committee (GAC), which consists of over 130 governments, has advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest and GAC advice to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community. The .MUSIC domain is a highly sensitive string operating in a highly regulated, IP-driven sector. To ensure trust, safety and accountability .MUSIC is optimally suited to be governed by the Music Community under DotMusic's Application to serve Music Community interests.

Name: Kelly A. Keane
Title: RN
Company: Swedish

Signature: Kelly A Keane Date: 6/8/14



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Name: Kari Hartman

Title: _____

Company: _____

Signature: [Handwritten Signature]Date: 6/8/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Steven V. Briel

Title: _____

Company: SelfSignature: [Handwritten Signature]Date: 6/8/14



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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EU Panel award DoMusic Limited (Application ID 1-1115-14110) community priority status because DoMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The .MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

DoMusic's Application incorporates more music-focused policies and enhanced safeguards than any other MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. DoMusic will efficiently serve the global Music Community and ensure that the Community controls .MUSIC and that monies flow to the Community through legally licensed .MUSIC sites and Community organizations.

It is deep concern that policies in music LLC's Application (ID 1-950-51046) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of DoMusic's Community organizations (constituting a majority of the Community) from offering music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Ben Email: pokevirus@gmail
Occupation or Title: produce Clerk

Signature:  Date: 6-29-14

Name: Abbie Email: abam29@hotmail
Occupation or Title: Office manager

Signature: _____ Date: _____

Name: Alicia Robnett Email: Luckybulletsh@gmail.com
Occupation or Title: RT

Signature:  Date: 6/29/14

Name: Rachel Ellenburg Email: Rachelrtoe@yahoo
Occupation or Title: NA

Signature:  Date: 6-29-14

Name: Hope Hume Email: hopeh@comcast
Occupation or Title: _____

Signature:  Date: 6-29-14

Name: Debra Potts Email: dspotts@gmail.com
Occupation or Title: _____

Signature: Laura Potts Date: 6/29/14



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Public Comments to ICANN & Economist Intelligence Unit

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Name: [Signature] Email: releasemsider@gmail.com
 Occupation or Title: Chase
 Signature: Chase Shenfeld Date: 6/29/14

Name: Jesse I Young Email: jesseyoung7@gmail.com
 Occupation or Title: E-commerce Bk Ltr U

Signature: [Signature] Date: 06/29/14

Name: Kristofer Humes Email: kristoferhumes@gmail.com
 Occupation or Title: insurance

Signature: [Signature] Date: 06/29/14

Name: Michael [Signature] Email: [Signature]
 Occupation or Title: _____

Signature: _____ Date: _____

Name: Christina Coulter Email: N/A
 Occupation or Title: Retail

Signature: [Signature] Date: 06/29/2014

Name: KHAER JACOBSEN Email: MSADDEADDEADWARDS@gmail.com
 Occupation or Title: FREELANCE ARTIST

Signature: [Signature] Date: 06/29/2014



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Public Comments to ICANN & Economist Intelligence Unit

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Name: Roman Vero Email: romanvero@gmail.com
Occupation or Title: Self Employed

Signature: [Signature] Date: 6/29/14

Name: Tina Gray Email: Tina - Gray@hotmail.com
Occupation or Title: _____

Signature: [Signature] Date: 6/29/14

Name: Kim Darling Email: kevinlin@kav.yahoo.com
Occupation or Title: _____

Signature: [Signature] Date: 6-29-14

Name: Rihanna Forbes Email: Forbes.R29@hotmail.com
Occupation or Title: Bacista

Signature: [Signature] Date: 6/29/14

Name: angela martinez Email: angela martinez@yahoo.com
Occupation or Title: hostess

Signature: [Signature] Date: 6/29/14

Name: Quinn Corlin Email: quinn.pugars@wharton.upenn.edu
Occupation or Title: Assistant

Signature: [Signature] Date: 6/29/14



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Public Comments to ICANN & Economist Intelligence Unit

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Name: Deletha Brown Email: deliciousbrown86@yahoo.com
Occupation or Title: ~~Marketing Director~~ SVP

Signature: Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____



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The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award DoMusic Limited (Application ID 1-1115-14110) community priority status because DoMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

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Name: Cassius Reliquias Email: _____

Occupation or Title: _____

Signature:  Date: 6/29/14


Name: Emmz Anvari Email: emmzanvari@yeshoo.com
 Occupation or Title: chocolate packer

Signature:  Date: 6/27/14

Name: Chris xlaughn Email: chris11689@gmail.com
 Occupation or Title: _____

Signature:  Date: 6/21/14

Name: Lana Tourichny Email: lana.H93@gmail
 Occupation or Title: Dancer

Signature:  Date: 6/29/14

Name: Jay Nelson Email: jaynelson@yeshoo.com
 Occupation or Title: Producer

Signature:  Date: 6/29/14

Name: Hunter Page Email: Hunter1970@hotmail
 Occupation or Title: _____

Signature:  Date: 6/21/14



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Public Comments to ICANN & Economist Intelligence Unit

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Name: Josie Booth Email: awkaard@jellyfishgamed.com
Occupation or Title: Collage

Signature: [Handwritten Signature] Date: 6/29/14

Name: Isai Estrada Email: isai_estrada@yahoo.com
Occupation or Title: Sales mgt

Signature: [Handwritten Signature] Date: 6-29-14

Name: Madisen Parra Email: madisenparra@gmail.com
Occupation or Title: SERVER

Signature: [Handwritten Signature] Date: 6/29/14

Name: Andrew Peter Email: scyanidablossom@gmail
Occupation or Title: Counsellor

Signature: [Handwritten Signature] Date: 6/29/14

Name: Madison T Email: madisonpive
Occupation or Title: School

Signature: [Handwritten Signature] Date: 6/29/14

Name: Sadie Walker Email: Sapphire.sadie@gmail.com
Occupation or Title: Student

Signature: [Handwritten Signature] Date: 6/29/14



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Public Comments to ICANN & Economist Intelligence Unit

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Name: Vicki Cross Email: vgomes@shaw
Occupation or Title: _____

Signature: [Handwritten Signature] Date: 6/29/14

Name: Jam Blanketal Email: jamblanketal@gmail.com
Occupation or Title: Student

Signature: [Handwritten Signature] Date: 6/26/2014

Name: Cody Cory Martin Email: cody2928@yahoo.com
Occupation or Title: Vacation planner

Signature: [Handwritten Signature] Date: 6/26/14

Name: James Louis Email: james.louis@jaggy.com
Occupation or Title: NA

Signature: [Handwritten Signature] Date: 6/27/2014

Name: [Handwritten Name] Email: _____
Occupation or Title: _____

Signature: [Handwritten Signature] Date: 6/29/2014

Name: Crystal Collins Email: crystal.collins@gsd.com
Occupation or Title: _____

Signature: [Handwritten Signature] Date: 6/29/14



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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award Do!Music Limited (Application ID 1-1115-14110) community priority status because Do!Music is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

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It is deep concern that policies in .music LLC's Application (ID 1-959-51046) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of Do!Music's Community organizations (constituting a majority of the Community) from offering .music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

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Name: John Copeland Email: John.CCR@hotmail.com
Occupation or Title: Doctor

Signature: [Handwritten Signature] Date: 08/29/14

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____



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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award DotMusic Limited (Application ID 1-1115-14110) community priority status because DotMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and internet users. The MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

DotMusic's Application incorporates more music-focused policies and enhanced safeguards than any other MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. DotMusic will efficiently serve the global Music Community and ensure that the Community controls MUSIC and that monies flow to the Community through legally-licensed MUSIC sites and Community organizations.

It is deep concern that policies in music LLC's Application (ID 1-950-51045) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of DotMusic's Community organizations (constituting a majority of the Community) from offering music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e. non-music-related activities are allowed). This will compromise the quality and trust of MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Jessica Mercado Email: _____

Occupation or Title: Self

Signature: Jessica Mercado Date: 10-29-14

Name: Cassandra Phillips Email: phlcos20@gmail.com

Occupation or Title: _____

Signature: Cassandra Phillips Date: 6/29/14

Name: Benny Fisher Email: bennyfisher@icann.org

Occupation or Title: _____

Signature: Benny Fisher Date: _____

Name: Shanva Pulley Email: _____

Occupation or Title: Student

Signature: Shanva Pulley Date: 6-29-14

Name: DeB Levy Email: Northwestbiz1212@gmail.com

Occupation or Title: _____

Signature: DeB Levy Date: _____

Name: Kolark 37820 Email: Tacoma CC.edu

Occupation or Title: _____

Signature: Kolark 37820 Date: _____



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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award dotMusic Limited (Application ID 1-1115-14150) community priority status because dotMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The .MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

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It is deep concern that policies in .music LLC's Application (ID 1-999-51046) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of dotMusic's Community organizations (constituting a majority of the Community) from offering .music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e. non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

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Name: C. TRACY and LETRAKES 
 Occupation or Title: _____

Signature: Tracy Date: 6/27/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: _____ Email: _____
 Occupation or Title: _____

Signature: _____ Date: _____



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Public Comments to ICANN & Economist Intelligence Unit

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It is deep concern that policies in .music LLC's Application (ID 1-859-51048) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering .music domains. It also excludes all of DotMusic's Community organizations (constituting a majority of the Community) from offering .music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

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Name: Clifford Backhoff Email: cliff.backhoff@gmail.com
 Occupation or Title: MUSICIAN

Signature: Date: 0-27-14

Public Comments to ICANN & Economist Intelligence Unit

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Name: _____ Email: _____
 Occupation or Title: _____

Signature: _____ Date: _____

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Name: Jason Stimsae Email: JStimsae77@gmail
Occupation or Title: barista

Signature: [Signature] Date: 6-27

Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award DotMusic Limited (Application ID 1-1115-14110) community priority status because DotMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

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Name: [Signature] Email: zc32low@gmail.com

Occupation or Title: _____
Signature: [Signature] Date: 6/22/14

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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the internet's namespace ICANN and the EIU Panel award Do!Music Limited (Application ID 1-1115-14110) community priority status because Do!Music is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The .MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

Do!Music's Application incorporates more music-focused policies and enhanced safeguards than any other .MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. Do!Music will efficiently serve the global Music Community and ensure that the Community controls .MUSIC and that monies flow to the Community through legally-licensed .MUSIC sites and Community organizations.

It is deep concern that policies in .music LLC's Application (ID 1-959-51048) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering .music domains. It also excludes all of Do!Music's Community organizations (constituting a majority of the Community) from offering .music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e. non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Prem Ganesh Email: ganeprem@gmail.com
Occupation or Title: SOFTWARE DEVELOPER

Signature: [Handwritten Signature] Date: 6/22/14

Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the internet's namespace ICANN and the EIU Panel award Do!Music Limited (Application ID 1-1115-14110) community priority status because Do!Music is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

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Name: Chris McGarry Email: clippor.chris@gmail.com
Occupation or Title: MUSICIAN

Signature: [Handwritten Signature] Date: 06/22/14

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Name: Amber Duncan Amber.Duncan@gmail.com
 Occupation or Title: Mom
 Signature: Amber Duncan Date: 6/22/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Cindy Beeby 6/22/14
 Occupation or Title: Paralegal
 Signature: Cindy Beeby Date: _____

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GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: David P. Sibster Email: dspl309@ayshib.com
Occupation or Title: DBA

Signature: [Handwritten Signature] Date: 6-22-14

Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award DotMusic Limited (Application ID 1-1115-14110) community priority status because DotMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation, irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector, if global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The .MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

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Name: Daniel Murphy Email: dmurphy97@live.com
Occupation or Title: Dish Washer

Signature: [Handwritten Signature] Date: 06/22/14

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Name: Cooper House Email: cooper-house@verizon.net
Occupation or Title: Owner

Signature: [Signature] Date: 6/22/14

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Name: Jan Sheraski Email: jsheraski@gmail.com
Occupation or Title: Self

Signature: [Signature] Date: 6/22/14

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6/22/2014



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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award Do!Music Limited (Application ID 1-1115-14110) community priority status because Do!Music is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector, if global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The .MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

Do!Music's Application incorporates more music-focused policies and enhanced safeguards than any other .MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. Do!Music will efficiently serve the global Music Community and ensure that the Community controls .MUSIC and that monies flow to the Community through legally-licensed .MUSIC sites and Community organizations.

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Name: Joseph Francis Email: increase0072008@yahoo.com
Occupation or Title: Contemporary Artist

Signature: Date: 6/22/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

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Name: Robert Anthony Email: mc@raimert.com
 Occupation or Title: Promoter

Signature: [Handwritten Signature] Date: 6-19-14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Robert Anthony Email: mer@raimert.com
 Occupation or Title: _____

Signature: _____ Date: _____

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Name Curtis Lowrey Email bruceleez@live.com
Occupation or Title Promoter

Signature [Handwritten Signature] Date 6/19/14

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Name Brenden OSTRO BIGUZZONER@GMAIL.COM
Occupation or Title PROMOTER

Signature [Handwritten Signature] Date 6.19.14

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6/19/2014



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Name: Jesse Frajman Email: jesse.frajman@gmail.com

Occupation or Title: _____

Signature: [Handwritten Signature] Date: 6/19/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Jesse Email: _____

Occupation or Title: _____

Signature: _____ Date: _____



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GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Elizaveta Soustova Email: evsoustova@gmail.com
Occupation or Title: USC Marketing Intern

Signature: [Signature] Date: _____

Public Comments to ICANN & Economist Intelligence Unit

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Name: Alec Marlin Email: Johnspartan112@Hotmail.com
Occupation or Title: Recording Engineer

Signature: [Signature] Date: 05/19/14

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6/19/2014



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Name: Angelita Mani Email: anhellitog@acl.com
Occupation or Title: self

Signature: Angelita Mani Date: 6/20/14

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Name: Angelita Mani Email: _____
Occupation or Title: self

Signature: Angelita Mani Date: 6/20/14

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Name: Megan Murphy Email: megmurf@gs.com
 Occupation or Title: student

Signature: [Handwritten Signature] Date: 6-20-14

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Name: Trevor Moore Email: treemart@gmail.com
 Occupation or Title: Promoter

Signature: [Handwritten Signature] Date: 6 19 14

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Name: Warren Reynolds Email: warrenreynolds@gmail.com

Occupation or Title: Asst. Attorney

Signature: [Handwritten Signature] Date: 6/19/14

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Name: _____ Email: _____

Occupation or Title: _____

Signature: _____ Date: _____

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Name: Dylan Strick Email: dylanstrick@concast.net
Occupation or Title: Student
Signature: [Signature] Date: 6/20/14

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Name: Jacobe Wetzel Email: leahstippel@dotmusic.com
Occupation or Title: Student
Signature: [Signature] Date: 6/22/14

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The purpose of this letter is to recommend that the governing body of the internet's namespace ICANN and the EIU Panel award Do!Music Limited (Application ID 1-1115-14110) community priority status because Do!Music is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

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Name: [Signature] Email: _____
Occupation or Title: [Signature]

Signature: [Signature] Date: 6/22/2014

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Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

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It is deep concern that policies in .music LLC's Application (ID 1-959-51048) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of DotMusic's Community organizations (constituting a majority of the Community) from offering .music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Rin Sheldon Email: sheldon.rjn@gmail.com
Occupation or Title: Student

Signature: [Handwritten Signature] Date: 6/21/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Salvatore Diwell Email: salvatore@pband.edu
Occupation or Title: Student

Signature: [Handwritten Signature] Date: 6/23/14

music_petitions.jpg

6/19/2014



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Name: angela m. seven Email: T-hundera@force1.com
MAMA LOVE 451@9

Occupation or Title: _____

Signature: A.M.S.T.F. Date: 6-22-2014

Public Comments to ICANN & Economist Intelligence Unit

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GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Chris Benish Email: benish.chris@yahoo.com
WARCHONSF

Occupation or Title: _____

Signature: CHR Date: 6/22/14

music petition.jpg

6/22/2014



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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award Do!Music Limited (Application ID 1-1115-14110) community priority status because Do!Music is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The .MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

Do!Music's Application incorporates more music-focused policies and enhanced safeguards than any other .MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. Do!Music will efficiently serve the global Music Community and ensure that the Community controls .MUSIC and that monies flow to the Community through legally-licensed .MUSIC sites and Community organizations.

It is deep concern that policies in .music LLC's Application (ID 1-959-51046) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of Do!Music's Community organizations (constituting a majority of the Community) from offering .music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Malik Lewis Email: G1/19/14
 Occupation or Title: CEO

Signature: [Handwritten Signature] Date: 6/19/14

Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award Do!Music Limited (Application ID 1-1115-14110) community priority status because Do!Music is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The .MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

Do!Music's Application incorporates more music-focused policies and enhanced safeguards than any other .MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. Do!Music will efficiently serve the global Music Community and ensure that the Community controls .MUSIC and that monies flow to the Community through legally-licensed .MUSIC sites and Community organizations.

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Name: _____ Email: _____
 Occupation or Title: _____

Signature: _____ Date: _____

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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that ICANN and the EIU Panel award DotMusic Limited (Application ID 1-1115-14110) community priority status because DotMusic is the only applicant that surpasses the Community criteria. DotMusic's Application includes more music-focused policies and enhanced safeguards than any other .MUSIC Applicant, including a governance structure representing the entire global Music Community irrespective of type, size or locale. DotMusic will efficiently serve the global Music Community and ensure that the Community controls .MUSIC and that monies flow to the Community through legally-licensed .MUSIC sites and Community organizations.

Additionally, we are deeply concerned that policies in .music LLC's Application (ID 1-959-51046) are not aligned with its Mission. Its Application does not meet the Community priority status criteria because it excludes a significant portion of the Community from registering .MUSIC domain names. It also excludes all of DotMusic Limited's Community organizations (constituting a majority of the Community) from offering .music domains to their legitimate music members. Their Application also lacks naming policies. The absence of such policies will increase abuse and cybersquatting because registrants would be allowed to register any domain name they want, even another entity's name. Also their policies do not have usage or content format mandates. This means that the content posted or usage of .MUSIC domain names would not be restricted only to music-related activities. This will compromise the quality control and trust of .MUSIC domain names harming the global Music Community and the Internet user's experience.

The Government Advisory Committee (GAC), which consists of over 130 governments, has advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest and GAC advice to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community. The .MUSIC domain is a highly sensitive string operating in a highly regulated, IP-driven sector. To ensure trust, safety and accountability .MUSIC is optimally suited to be governed by the Music Community under DotMusic's Application to serve Music Community interests.

Name: Nita Abauggen
Title: SELF
Company: SELF

Signature: Nita Abauggen Date: 6/13/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: M. MICHELLE WATKINS
Title: SELF
Company: SELF

Signature: [Signature] Date: 6/09/2014



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Name: Anthony Osmond Email: Antseatown@Atdmail

Occupation or Title: SELF

Signature: [Handwritten Signature] Date: 6/20/14

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Name: Daniel Mann Email: danielmann@yahoo.com

Occupation or Title: SELF

Signature: [Handwritten Signature] Date: 6/19/2014

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6/19/2014



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Name: Paul T. Allard Email PaulTallard@gmail.com
Occupation or Title: DJ/Producer
Signature: [Handwritten Signature] Date 06/19/2014

Public Comments to ICANN & Economist Intelligence Unit

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Name: Garrett Madson Email Imposed@aol.com
Occupation or Title: _____
Signature: [Handwritten Signature] Date 6-19-14

music.pat@comcast.net

6/19/2014



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Name: Cheyenne Rose Brannon
 Occupation or Title: Entrepreneur

Signature: Cheyenne Rose Brannon Date: 6-19-14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Gabe Dominguez
 Occupation or Title: Prakater

Signature: Gabe Dominguez Date: 6/19/14

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Name: Daria Redmond Email: dredmond@purple.com
Occupation or Title: promoter

Signature: [Handwritten Signature] Date: 6/19/14

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Name: Daran Volsone Email: daranv@purple.com
Occupation or Title: promoter

Signature: [Handwritten Signature] Date: 6/19/14

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Name: John Kinch Email: John@dotmusic.com
Occupation or Title: Server

Signature: [Signature] Date: 6/21/14

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Name: Michael Vages Email: michael.vages@dotmusic.com
Occupation or Title: _____

Signature: [Signature] Date: 6/20/14

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www.musicllc.com

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Name:

Jordan W. Overhuse

Email:

Jordan@dotmusic.com

Occupation or Title:

Signature:

Date:

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Name:

Annalisa DiGrazia

Email:

annalisa@dotmusic.com

Occupation or Title:

Business Relations

Signature:

Date:

6/12/14

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Bill Boyer Death to all but Metal

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Name: _____ Email: _____

Occupation or Title: _____

Signature: Bill Boyer Date: 6/19/14

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Name: Ashley Huerter Email: _____
Occupation or Title: Accountant

Signature: D.W. Date: 6/19/14

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Name: Amelda Del ToroTitle: Self

Company: _____

Signature: [Handwritten Signature]Date: 6/8/14

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Name: EUISABETA ROMTitle: Self

Company: _____

Signature: [Handwritten Signature]Date: 6/8/14



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The Government Advisory Committee (GAC), which consists of over 130 governments, has advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest and GAC advice to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community. The .MUSIC domain is a highly sensitive string operating in a highly regulated, IP-driven sector. To ensure trust, safety and accountability .MUSIC is optimally suited to be governed by the Music Community under DotMusic's Application to serve Music Community interests.

Name: Maxima Fisher
 Title: self
 Company: self

Signature: [Signature] Date: 6/8/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Joan Ellington
 Title: self
 Company: self

Signature: [Signature] Date: 6/8/14



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Name: Donald White Jr
 Title: _____
 Company: Self

Signature: Donald White Jr Date: 6/8/14

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Name: Marc Hensel
 Title: Student
 Company: N/A

Signature: Marc Hensel Date: 6/8/14



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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award DotMusic Limited (Application ID 1-1115-14110) community priority status because DotMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

DotMusic's Application incorporates more music-focused policies and enhanced safeguards than any other MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. DotMusic will efficiently serve the global Music Community and ensure that the Community controls MUSIC and that money flow to the Community through legally-licensed MUSIC sites and Community organizations.

It is deep concern that policies in .music LLC's Application (ID 1-959-51046) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of DotMusic's Community organizations (constituting a majority of the Community) from offering .music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e. non-music-related activities are allowed). This will compromise the quality and trust of .MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Boyle Triplett Email: boyletriplett@gmail.com
 Occupation or Title: Self

Signature: [Handwritten Signature] Date: _____

Name: [Handwritten Signature] Email: simplymook2001@yahoo.com
 Occupation or Title: Culinary

Signature: [Handwritten Signature] Date: 06/29/14

Name: Tony H Email: tkhinson@ymail.com
 Occupation or Title: Chef

Signature: [Handwritten Signature] Date: 06/29/14

Name: [Handwritten Signature] Email: Griffindes@aol.com
 Occupation or Title: Millionaire Griffin

Signature: _____ Date: _____

Name: Barbara Caples Email: barby_c@hotmail.com
 Occupation or Title: Student

Signature: [Handwritten Signature] Date: 6/29/2014

Name: Nicholas Link Email: nick21ray@gmail.com
 Occupation or Title: General Contractor

Signature: [Handwritten Signature] Date: 6/29/14



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Name: Eric Helden
 Title: Mr
 Company: myself

Signature:

Date: 02/07/2014

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Name: Jonathan Nadeau
 Title: Mr
 Company: Dicks Drive In

Signature:

Date: 6.8.2014



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Name: William S. HuggTitle: MarksCompany: me and youSignature: William S. Hugg

Date: _____

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Name: Chris Lee

Title: _____

Company: SelfSignature: Chris Lee

Date: _____



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Name: Dominic Cherman
Title: Phes Poutoua lo
Company: Domnik

Signature: [Signature] Date: 08 June 2014

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Name: William Dentham
Title: _____
Company: _____

Signature: [Signature] Date: 6-8-14



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Name: Linda Boninelli
 Title: _____
 Company: self

Signature: [Handwritten Signature]

Date: 6/8/2014

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Name: Jerry Cheng
 Title: Self
 Company: Self

Signature: [Handwritten Signature]

Date: 06/08/14



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The Government Advisory Committee (GAC), which consists of over 130 governments, has advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest and GAC advice to allow .MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community. The .MUSIC domain is a highly sensitive string operating in a highly regulated, IP-driven sector. To ensure trust, safety and accountability .MUSIC is optimally suited to be governed by the Music Community under DotMusic's Application to serve Music Community interests.

Name: Katie Smith
Title: Self
Company: _____

Signature: Katie Smith Date: 6-8-14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Jim Rickard
Title: Self
Company: _____

Signature: Jim Rickard Date: 6/8/14



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Name: Greg M Thompson
 Title: _____
 Company: SELF

Signature: [Handwritten Signature] Date: 6-8-14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Juni Cabanero
 Title: _____
 Company: Self

Signature: [Handwritten Signature] Date: 4/8/14



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Name: Walter Wolff

Title: _____

Company: SelfSignature: WALTER WOLFFDate: 6/8/14

Public Comments to ICANN & Economist Intelligence Unit

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Name: Tom StolzTitle: OwnerCompany: TS AudioSignature: Tom StolzDate: 6/8/14



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Public Comments to ICANN & Economist Intelligence Unit

The purpose of this letter is to recommend that the governing body of the Internet's namespace ICANN and the EIU Panel award DotMusic Limited (Application ID 1-1115-14110) community priority status because DotMusic is the only applicant that surpasses the Community criteria because it is inclusive of the entire global Music Community and ensures it is governed under a multi-stakeholder model of fair representation irrespective of type, size or locale or type.

Global access should be open to strings which do not rely on the Internet for earning a living through intellectual property monetization. Global access should also be open to those strings that do not operate in a regulated sector. If global access creates a likelihood of harm, rampant piracy and abuse then Community membership verification criteria must be imposed to protect the respective Community and Internet users. The MUSIC string is a sensitive string that operates in a highly regulated sector. It is well-documented that it has been subject to substantial abuse by pirates involved in mass music copyright infringement or cybersquatters registering artists' names in bad faith.

DotMusic's Application incorporates more music-focused policies and enhanced safeguards than any other MUSIC Applicant, including a responsible approach to verify members of the Community to prevent bad actors from abusing the string since it is highly vulnerable for abuse. DotMusic will efficiently serve the global Music Community and ensure that the Community controls MUSIC and that monies flow to the Community through legally-licensed MUSIC sites and Community organizations.

It is deep concern that policies in music LLC's Application (ID 1-950-51046) are not aligned with its Mission. Its Application does not meet the Community criteria because it excludes a significant portion of the Community from registering music domains. It also excludes all of DotMusic's Community organizations (constituting a majority of the Community) from offering music domains to its legitimate members. Their Application also lacks naming policies which will increase abuse and cybersquatting because registrants would be allowed to register any name they want. Also their policies do not have usage or content format mandates (i.e. non-music-related activities are allowed). This will compromise the quality and trust of MUSIC domains harming the global Music Community and the user's experience.

GAC (which consists of over 130 governments) advised ICANN to give preferential treatment to Community applicants with demonstrable support. As such, it would be against the global public interest to allow MUSIC to be purchased in an auction by technology companies, such as Google or Amazon, or portfolio applicants whose policies lack enhanced safeguards to protect intellectual property and are in conflict with the interests of the Music Community.

Name: Mike Quayle Email: mquayle@gmail.com
Occupation or Title: Marketing

Signature: [Signature] Date: 6/1/14

Name: [Signature] Email: [Signature]
Occupation or Title: [Signature]

Signature: [Signature] Date: 5/21/14

Name: [Signature] Email: [Signature]
Occupation or Title: NA

Signature: [Signature] Date: 6/20/13

Name: [Signature] Email: [Signature]
Occupation or Title: Entrepreneur

Signature: [Signature] Date: 6-26-14

Name: Norelle Done Email: norelledone@gmail.com
Occupation or Title: Manager of Content

Signature: [Signature] Date: 7/1/14

Name: _____ Email: _____
Occupation or Title: _____

Signature: _____ Date: _____

Appendix E

Dotmusic Limited (.MUSIC™) correspondence with
ICANN



July 12, 2013

VIA EMAIL (steve.crocker@icann.org; fadi.chehade@icann.org; cherine.chalaby@icann.org; akram.attallah@icann.org; susanna.bennett@icann.org; heather.dryden@ic.gc.ca; john.jeffrey@icann.org; hannah.tuempel@iccwbo.org)

Dr. Steve Crocker, Chairman of the ICANN Board
Fadi Chehadé, ICANN President & CEO
Akram Attallah, ICANN COO & Head of Generic Domains Division
Cherine Chalaby, Chair of the New gTLD Committee
Heather Dryden, Chair of Government Advisory Committee
John Jeffrey, ICANN General Counsel
Hannah Tümpel, Manager, International Chamber of Commerce

Re: Clarification on ICANN-GAC Resolutions Impact on Pending Community Objections

Dear Dr. Crocker, et al:

We write to formally record our concerns about the current Community Objection process and the impending potential to create prejudicial “exceptions” based on ICANN’s recent resolutions pertaining to acceptance of GAC advice on enhanced safeguards.

In response to the July 3, 2013 announcement of the proposed GAC and New gTLD Program Committee (NGPC) meetings in Durban, it should be noted that DotMusic, Limited and related Music Community Objectors filed timely Community Objections with the ICC that pre-date the GAC Beijing Communiqué,¹ yet identify many of the same concerns GAC voiced for sensitive strings (like .MUSIC) e.g. Applicants’ lack of enhanced safeguards; the need for an appropriate governance structure; and requirement that restricted/exclusive strings launched in a manner to serve global public interest.

The questions and issues to be evaluated in Durban, raise potential conflicts that could be abused by Applicants to circumvent the Community Objections, and may also result in wholesale granting of “material changes” to Applications to the detriment of those in competing strings and in conflict with the terms of the Applicant Guidebook. It is clear that any new ICANN gTLD Application policy changes not clearly described in Application should be treated as material changes (as defined in the AGB) to individual Applicant Applications. Therefore, we respectfully request that these concerns are recorded and evaluated.

¹ In its Beijing Communiqué advice to ICANN, GAC has identified music-themed gTLDs (.music, .song, .tunes and .band) as sensitive strings to which enhanced safeguards should apply to, https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communiqué%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

Pending Community Objections, GAC, Independent Objector and NGPC Concerns

The pending Objections and the GAC Advice identified, among other things, the following pertinent concerns:

- a) Sensitive strings (such as music-themed strings) are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm... safeguards should apply to strings that are related to these sectors;²
- b) The need for an appropriate governance structure for sensitive strings by establishing a “working relationship with relevant... bodies” and “developing a strategy to mitigate... risks of fraudulent, and other illegal, activities”; and
- c) In those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.³

Similarly, the ICANN Independent Objector also acknowledged the “importance of the problem” surrounding competition and consumer choice relating to exclusive access to TLDs stating that:

The question of the openness of new gTLDs is crucial, particularly when it comes to terms that could be profitable to a large part of the public, and this is undoubtedly the case concerning gTLDs strings such as... '.music'⁴

With these points placed squarely in front of ICANN, the NGPC responded to GAC and accepted this crucially relevant GAC advice⁵ and added the requirement of Category 1 safeguards.⁶ Furthermore, ICANN has agreed that opinions of any relevant community - such as the cases brought forward to the ICC in regards to music-themed strings (especially those in a contention set) – are to be strongly taken into consideration. The Objections echo GAC's advice that strings, such as music-themed strings, "are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm"⁷ and also

² In its Beijing Communique advice to ICANN, GAC has identified music-themed gTLDs (.music, .song, .tunes and .band) as sensitive strings to which enhanced safeguards should apply to, https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

³ https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

⁴ Independent Objector's Mission, <http://www.independent-objector-newgtlds.org/english-version/the-issue-of-closed-generic-gtlds>

⁵ <https://www.icann.org/en/news/correspondence/crocker-to-dryden-06jun13-en.pdf>, Annex 1, GAC Register #5, P.11

⁶ <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm>

⁷ https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

mirror the U.S Government's warning to ICANN of the high likelihood of scams urging "ICANN to apply new strengthened safeguards."⁸

The Music Community Objectors, ICANN, GAC and U.S Government agree that: allowing sensitive, open music-themed applications to proceed without appropriate safeguards⁹ and community governance structure will categorically produce material harm especially within the context of the semantic importance, sensitivity and popularity of a music-themed string.

DotMusic and the Objectors also agree with GAC on the appropriateness of Category 2 safeguards for such sensitive strings and urge ICANN to take GAC's advice here as well. We have re-iterated these concerns in a Public Comment letter to ICANN and GAC about the issues of piracy, abuse and policies that would appropriately serve the global public interest under these sensitive strings.¹⁰ DotMusic publicly demonstrated strong evidence, including indisputable domain-related research, why open gTLDs without enhanced safeguards will create material harm, including concerns about exclusionary applications.¹¹ While the details are beyond the scope of this public comment, it should be noted that globally-recognized and highly credible associations strongly associated with the creative communities, whose business models are dependent on copyright protection and monetization, have also publicly voiced serious concerns¹² that there will be a strong likelihood of material harm without appropriate enhanced safeguards in place for these strings.

Further documenting these concerns, another public comment letter¹³ was sent to ICANN to identify the need to incorporate the appropriate governance structure to serve the interests of these communities - by globally-recognized representatives of the Independent Music Community, including the American Association of Independent Music (A2IM)¹⁴ and related affiliates.

Because these issues are being addressed by ICANN and the GAC during the Durban Meeting, we would like the record to reflect that a significant portion of the music community

⁸ http://images.politico.com/global/2013/06/26/rockefeller_letter_to_icann.pdf, June 26th, 2013

⁹ http://www.onlineaccountability.net/pdf/2012_Mar06_ICANN_EnhancedSafeguards.PDF

¹⁰ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdf/tstysBP7f.pdf>

¹¹ <http://music.us/open-music-themed-sensitive-gtld-harm-without-safeguards.pdf> (Safeguard concerns),

<http://music.us/DotMusic-Concerns-with-Application-1-959-51046.pdf> (Concerns over .MUSIC community application excluding a significant community portion e.g legitimate fans, DIY artists & any organization formed after Sept. 2007)

¹² <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/>

¹³ <http://www.icann.org/en/news/correspondence/bengloff-to-crocker-et-al-06mar13-en>

¹⁴ A2IM's label membership represents 32.6% U.S music industry's sales and a significant portion of global sales (e.g Adele and Taylor Swift - artists signed with A2IM Member Labels Beggars Group and Big Machine respectively - were the two top-selling artists globally of 2012). A2IM Associate Members include Apple iTunes (63% of global digital music sales - a significant portion), Microsoft, Spotify, Pandora and most of the leading legal music digital distributors. The correspondence letter included A2IM affiliates WIN (representing label creators in over 20 countries), the Association of Independent Music in the U.K, the Independent Music Companies Association (IMPALA) and Merlin Network. Collectively this strictly delineated community with the shared, common interest of "promoting and distributing legal music" constitutes "a significant portion of the music community to which music-themed TLD strings may be explicitly and implicitly targeted" with clear, formal membership.

submitted timely Community Objections **before** this crucially-important GAC Beijing Communique advice was issued, re-iterating the **same** concerns against **all** portfolio applicants who applied for **open** music-themed strings that lacked appropriate enhanced safeguards, did not have an appropriate governance structure to serve the interests of the community, including any that were deemed discriminatory, anti-competitive and compromised consumer choice.

Community Objection Process, Material Changes, and Loopholes for Applicants

The Portfolio applicants' lack of pro-active enhanced safeguards for applied-for sensitive, open music-themed TLDs of such semantic meaning, nature, popularity and history of abuse is clear evidence that these Applicants are not acting nor intend to act in accordance with the interests of the community or of users more widely. Another worrisome indication is the fact that **all** portfolio Applicant Objection Responses ignored and **rejected** the Community Objectors' standing, which represents a substantial majority of the music community. Moreover, the Applicants rejected Objectors' concerns regarding the conspicuous absence of enhanced safeguards from their Applications, and the appropriateness of other suitable policies, including incorporating a suitable multi-stakeholder governance structure serving the interests of the music community. One portfolio Applicant even disingenuously incorporated a Governance Council under its **open** gTLD application despite the fact that the Council must comply with the Applicant's open policies as stated in the Application. Accordingly, it is clear any appropriate recommended changes advised by such a Council – such as incorporating appropriate pro-active safeguards relating to name selection, eligibility and use policies – will be futile and not permissible since they would be construed as material changes (as defined in the AGB).¹⁵

In light of the prejudicial harm, any new ICANN gTLD Application policy changes **not clearly described in Application** should be treated as **material changes** (as defined in the AGB) to individual Applicant Applications. Moreover, such potentially sweeping changes to a particular Applicant's Application and policies (to the extent they are accepted) should **not** be presented to the Community Objection panelists because such changes would “be construed as unfair,” would “affect string contention,” and “affect other third parties materially”¹⁶ (such as community applicants who already incorporated appropriate restrictions and enhanced safeguards in their Applications and more importantly Community Objectors who had no knowledge of GAC advice and ICANN resolutions before submitting the Objections).

We respectfully request that ICANN appropriately instruct the ICC that all applications evaluated by Objection panelists be judged solely on their own merit (within the four-corners of the Applications) without considering new material changes made by ICANN in response to GAC Advice (or newly created self-serving statements by Applicants).

¹⁵ <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>, AGB §1.2.7

¹⁶ <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>, AGB §1.2.7



The repercussions of allowing such loopholes or exceptions could irreparably prejudice the proceedings and lead to the Community Objectors unfairly losing their cases – causing significant financial harm. This will severely compromise the new gTLD Program and unfairly benefit negligent Applicants by granting them immunity despite their Application lacking safeguards and appropriate policies that GAC and ICANN agree must be incorporated to serve the global public interest.

Putting this in context, we note that Community Applicants in a contention set are not allowed to make changes in their Application because they are being strictly graded during Community Priority Evaluation. As such, any agreement by ICANN to allow objected-to Applicants to circumvent the Objection process by leveraging GAC Advice and ICANN resolutions to their advantage will create an undesirable precedent in the new gTLD Program. If this precedent is allowed then Community Applicants should also be given the same leeway to make appropriate changes to their Applications to circumvent the new gTLD evaluation process and successfully pass the Community Priority Evaluation because Community Applicants serve the global public interest.

To avoid such issues from materializing we request that ICANN notify the ICC and the Community Objection Panelists that **any new policies and changes made to Applications by virtue of ICANN resolutions or action after the date that Objections were filed must not be considered and that each Application be judged as it was submitted (in April, 2012) without any material changes affecting contention sets.**

We kindly request ICANN to respond to this letter clarifying that any such newly-formed, material changes will not be considered by the Community Objection panelists and that these Panelists are immediately notified given that some of these proceedings are underway. We thank you again for your time and consideration.

Sincerely,

Constantine Roussos

Founder

.MUSIC:
<http://music.us>

.MUSIC Supporting Music Organizations:
<http://www.music.us/supporters.htm>

October 8, 2013

VIA EMAIL (steve.crocker@icann.org; fadi.chehade@icann.org; cherine.chalaby@icann.org; akram.attallah@icann.org; christine.willett@icann.org; susanna.bennett@icann.org; heather.dryden@ic.gc.ca; john.jeffrey@icann.org; hannah.tuempel@iccwbo.org; AnaSylvia.PRADO@iccwbo.org; Spela.KOSAK@iccwbo.org)

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Susana Bennett, ICANN COO;
Akram Attallah, ICANN Head of Generic Domains Division;
Christine Willett, ICANN Vice-President of gTLD Operations;
Cherine Chalaby, Chair of the New gTLD Committee;
Heather Dryden, Chair of Government Advisory Committee;
John Jeffrey, ICANN General Counsel;
Hannah Tümpel, Manager, International Chamber of Commerce;
Ana Sylvia Prado, Deputy Manager, International Chamber of Commerce; and
Špela Košak, Deputy Manager, International Chamber of Commerce

Re: Concerns over New gTLD Program, NGPC Material Changes and their Impact on Community Objections

Dear Dr. Crocker, et al:

This is a follow-up our Letter to ICANN concerning the new gTLD Program dated July 12th, 2013.¹ We write to formally record our concerns over the New gTLD Program process relating to the allowance of material changes to Applications via implementation of the New gTLD Program Committee's (NGPC) resolutions, and their impending potential to create prejudicial "exceptions" pertaining to acceptance of GAC advice on enhanced safeguards and exclusive access/restricted generic strings.

Material Changes to Applicant Guidebook and Community Objections

Specifically, we are concerned that there is no way for Applicants to know which parts of the Applicant Guidebook (AGB) to rely upon and which parts to disregard. Our concerns relate to ICANN's and the NGPC's recurring material changes to the AGB created after the Community Objections' submission date. These new resolutions not specified in the AGB (as well as the additional Public Interest Commitment Specifications²) would harm bona fide and

¹ <http://www.icann.org/en/news/correspondence/roussos-to-crocker-et-al-12jul13-en>

² <http://newgtlds.icann.org/en/announcements-and-media/announcement-06mar13-en>

responsible Applicant(s) in a contention set according to ICANN's Material Changes rules,³ as well as harm Community Objectors who had no knowledge of any GAC Advice or new NGPC resolutions upon Objection submission.

It should be noted again that Community Objectors relating to sensitive music-themed strings filed timely Community Objections with the ICC that pre-date the GAC Beijing Communiqué⁴ or any New gTLD Program Committee (NGPC) resolution. The Objections identify potential problems with Applicant policies, many of which are the same concerns GAC voiced for sensitive strings (like .MUSIC), e.g. Applicants' lack of enhanced safeguards; the need for an appropriate governance structure; and requirement that restricted/exclusive strings launched in a manner to serve global public interest. Subsequently, ICANN's NGPC responded to GAC and accepted relevant GAC advice⁵ relating to Category 2 enhanced safeguards and also working towards resolution pertaining to Category 1 safeguards⁶ relating to sensitive strings such as music-themed gTLDs.

More importantly, on September 28, 2013, the NGPC adopted a scorecard resolution⁷ pertaining to the "Registry Agreement as approved by the NGPC, which prohibits exclusive registry access for generic strings (emphasis added)." This resolution "is consistent with the GAC advice" and the NGPC directed ICANN "staff to move forward with the contracting process for applicants for strings identified in the Category 2 Safeguard Advice that are prepared to enter into the Registry Agreement as approved." Such a policy would allow Applicants to materially change their Applications without regard for the negative effect against competing Applicants and be in direct contravention to the AGB.

GAC's Advice and NGPC Resolution Impact on Community Objections

It should be emphasized that the Community Objections to Amazon's music-themed applications (for .music, .song, .tunes) and also Far Further's (.music LLC) application (for .music) relate to "exclusive registry access for generic strings" which are prohibited by the Registry Agreement. For example, the community-based application for .music by .music LLC dictates that the:

"Music Registry will set itself up as a sole registrar, providing reseller capability to Community Member Associations, who will in turn sell .Music domains to their memberships."⁸

³ <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>

⁴ In its Beijing Communiqué advice to ICANN, GAC has identified music-themed gTLDs (.music, .song, .tunes and .band) as sensitive strings to which enhanced safeguards should apply to, https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20April2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

⁵ <https://www.icann.org/en/news/correspondence/crocker-to-dryden-06jun13-en.pdf>, Annex 1, GAC Register #5, P.11

⁶ <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm>

⁷ <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-28sep13-en.pdf>

⁸ Far Further Application, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>, 28.4.3, 28.4.3 Policies and Procedures



As in the case of Amazon, this policy is anti-competitive and in clear violation of ICANN's Application Guidebook which states that TLD registries commit to provide "non-discriminatory access to Registry Services to all ICANN-accredited registrars" while ensuring that they will not "directly or indirectly show any preference or provide any special consideration to any registrar with respect to operational access to registry systems."⁹

Furthermore, .music LLC's community-based Application's "defined-criteria" for registration Eligibility requires "[c]urrent registration and verifiable membership in a global music community organization that was organized and in existence prior to 2007."¹⁰ This Eligibility policy is not in the global public interest because it eliminates participation from any newly-formed, legitimate music associations or organizations and their members, especially those from developing countries.

As noted, the new NGPC resolutions raise potential conflicts that could be abused by Applicants to circumvent the Community Objections, and may also result in wholesale granting of "material changes" to Applications to the detriment of those in competing strings. It is clear that any new ICANN gTLD Application policy changes not clearly described in any music-themed Application should be treated as material changes (as defined in the AGB) to individual Applicant Applications. Therefore, we respectfully request that these concerns are recorded and evaluated.

To avoid such issues from materializing we request ICANN verify with the ICC and the Community Objection Panelists that **any new policies and changes made to Applications by virtue of ICANN resolutions or action after the date that Objections were filed not to be considered as a loophole for objected-to Applicants to circumvent a fair Objection process. As required by the Applicant Guidebook each Application should be judged as it was submitted (in April, 2012) without any material changes affecting contention sets.**

Community Objection Decision Precedent, Predictability and Consistency

There is precedent for citing GAC advice or ICANN NGPC resolutions by Panelists and is further evidence of the validity and the consistency of the claims made by Community Objectors for music-themed strings. In the case of .ARCHITECT¹¹, Expert Panelist Andreas Reiner agreed with much of the GAC advice. Expert Panelist Reiner determined that a GAC-identified, sensitive string such as .ARCHITECT should not be open because opening the sensitive string to others "would create an interference in the core activities of the community"

⁹ Applicant Guidebook, <http://newgtlds.icann.org/en/applicants/agb>, Section 2.9 (a) and Specification 9, Section 1(a), Base Agreement & Specifications

¹⁰ Applicant's Answer to Question 20a, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>

¹¹ http://www.iccwbo.org/Data/Documents/Buisness-Services/Dispute-Resolution-Services/Expertise/ICANN-New-gTLD-Dispute-Resolution/EXP_384_ICANN_1_Expert_Determination/, Section 178, Pages 58-59



and also “internet users would necessarily assume that those that use the domain are licensed architects” or legitimate members of that community i.e. not pirates or non-licensed architects. In the case of architects (which is similar in nature to the cases of open, sensitive, music-themed strings which are highly vulnerable to piracy and impersonation), the Expert Panelist concluded that “there is a considerable risk that internet users would be misled and this would cause harm to reputation of the community.”

We urge ICANN, the ICC and the Expert Panelists to strive for decisions that are transparent, defensible and more importantly consistent with ICANN NGPC resolutions and GAC advice to ensure reliability and predictability in alignment with New gTLD Program objectives to increase competition, consumer choice and trust.

We kindly request this letter be posted publicly on the ICANN Correspondence page. Thank you for your prompt attention to these important matters.

Sincerely,

Constantine Roussos
.MUSIC
Founder

.MUSIC:
<http://music.us>

.MUSIC Supporting Music Organizations:
<http://www.music.us/supporters.htm>

cc: Jason Schaeffer, Esquire

Appendix F

Parts of Community Objection against .music LLC with
Application 1-959-51046

Additional Submission to Community Objection

Response to .music LLC's Response to Additional
Submission



International Chamber of Commerce

The world business organization

International Centre for Expertise • Centre international d'expertise

NEW GENERIC TOP-LEVEL DOMAIN NAMES (“gTLD”) DISPUTE RESOLUTION PROCEDURE

OBJECTION FORM TO BE COMPLETED BY THE OBJECTOR

- *Objections to several Applications or Objections based on more than one ground must be filed separately*
- *Form must be filed in English and submitted by email to expertise@iccwbo.org*
- *The substantive part is limited to 5000 words or 20 pages, whichever is less*

Disclaimer: This form is the template to be used by Objectors who wish to file an Objection. Objectors must review carefully the Procedural Documents listed below. This form may not be published or used for any purpose other than the proceedings pursuant to the New GTLD Dispute Resolution Procedure from ICANN administered by the ICC International Centre for Expertise (“Centre”).

References to use for the Procedural Documents

Name	Abbreviation
Rules for Expertise of the ICC	“Rules”
Appendix III to the ICC Expertise Rules, Schedule of expertise costs for proceedings under the new gTLD dispute resolution procedure	“Appendix III”
ICC Practice Note on the Administration of Cases	“ICC Practice Note”
Attachment to Module 3 - New gTLD Dispute Resolution Procedure	“Procedure”
Module 3 of the gTLD Applicant Guidebook	“Guidebook”

ICC International Centre for ADR • Centre international d'ADR de la CCI

38 Cours Albert 1er, 75008 Paris, France

Tel +33 (0)1 49 53 30 52 Fax +33 (0)1 49 53 30 49

E-mail expertise@iccwbo.org Website www.iccexpertise.org

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Identification of the Parties, their Representatives and related entities

Objector

Name	International Federation of Arts Councils and Culture Agencies (IFACCA)
Contact person	Natasha Eves
Address	372 Elizabeth St, Surry Hills. Sydney NSW 2010
City, Country	Sydney, Australia
Telephone	+61 2 9215 9018
Email	info@ifacca.org

If there is more than one Objector, file separate Objections.

Objector's Representative(s)

Name	DotMusic
Contact person	Constantinos Roussos
Address	950 S. Flower Street #1404
City, Country	Los Angeles, CA 90015
Telephone	+1 310 985 8661
Email	costa@music.us

Objector's Contact Address

Name	DotMusic
Contact person	Constantinos Roussos
Address	950 S. Flower Street #1404
City, Country	Los Angeles, CA 90015, USA
Telephone	+1 310 985 8661
Email	costa@music.us

This address shall be used for all communication and notifications in the present proceedings. Accordingly, notification to this address shall be deemed as notification to the Objector. The Contact Address can be the Objector's address, the Objector Representative's address or any other address used for correspondence in these proceedings.

Applicant

Name	.music LLC
Contact person	John Styll
Address	179 Belle Forest Circle, Suite 104
City, Country	Nashville, TN 37221, United States
Telephone	+1 615 479 0103
Email	js@farfurther.com

Other Related Entities

Name	DotMusic & its Supporting Music Community Organizations (See Appendix A)
Contact person	Constantinos Roussos
Address	19 Mesolongiou Street
City, Country	3032 Lemesos, Cyprus
Telephone	+1 310 985 8661
Email	costa@music.us

Disputed gTLD

gTLD Objector objects to .MUSIC (Application ID 1-959-51046)

Name	.MUSIC
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If there is more than one gTLD you wish to object to, file separate Objections.

Objection

What is the ground for the Objection (Article 3.2.1 of the Guidebook and Article 2 of the Procedure)

Limited Public Interest Objection: the applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.

or

Community Objection: there is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

Check one of the two boxes as appropriate. If the Objection concerns more than one ground, file a separate Objection.

Objector's Standing to object (Article 3.2.2 of the Guidebook and Article 8 of the Procedure)

(Statement of the Objector's basis for standing to object, that is, why the Objector believes it meets the requirements to object.)

The International Federation of Arts Councils and Culture Agencies (IFACCA)¹ is the global network of national arts funding agencies inaugurated in December 2000. Achievements since 2001 are described in IFACCA announcements and its anniversary publication First Five Years.²

IFACCA is the worldwide network of national arts funding agencies dedicated to improving good practice in arts and cultural policy development, arts funding, audience development and public access to the arts such as music.

It aims to improve the capacity and effectiveness of government arts and music funding agencies to benefit society through networking, advocacy and research. Its Vision is "A world in which the arts are valued in themselves and for their contribution to strengthening communities and enriching lives." Its Mission is "To improve the capacity and effectiveness of government arts funding agencies to benefit society through networking, advocacy and research."

¹ <http://www.ifacca.org/>

² <http://media.ifacca.org/files/TheFirstFiveYears.pdf>

Objectives³ of the Federation are to:

- Support the leadership of government arts funding agencies with a well-informed, global perspective on issues affecting arts and cultural policy
- Consolidate the collective knowledge of government arts funding agencies
- Enhance cooperation and promote understanding between government arts funding agencies, and between them and other key international networks and organisations
- Promote the value of public investment in a diversity of arts and cultural practices
- Provide relevant, responsive and accountable services to members of the Federation

In order to meet its objectives, IFACCA initiated several projects and is continually developing others, including:

- Website providing latest news on international and national arts policy developments, publications, conferences and job opportunities
- Arts and Culture Online Readers News Service (ACORNS) email news service for government arts support agencies
- 'Good Practice Guides' assisting arts councils and arts funding agencies providing information to arts community about marketing, governance, management, community engagement and advocacy.
- D'ART: Discover-Découvrir-Descubrir helping people working in arts councils and ministries of culture to gain easier access to worldwide information on arts policy issues.
- Improving access to arts and cultural policy information and access to portals to online databases on cultural policies⁴ and bibliographies of cultural policy research.⁵
- WorldCP global, online database of national cultural policy profiles; its structure and governance model is based on the Council of Europe/ERICarts 'Compendium of Cultural Policies and Trends in Europe' incorporating current programmes, information, documentation and data on cultural policies and their implementation. Both the Council of Europe and UNESCO have formally endorsed IFACCA's role in managing the development of country profiles for non-European countries ("RECOGNITION").
- Mini-summits and regional meetings enabling arts councils and ministries of culture to explore key policy concerns, develop joint initiatives and forge ongoing networks.
- World Summit on the Arts and Culture providing national arts councils, ministries of culture and other agencies opportunities to discuss key issues affecting public support for the arts and creativity.
- ConnectCP⁶ database of cultural policy experts, researchers and policymakers from over 110 countries.

³ http://ifacca.org/vision_and_objectives/

⁴ www.ifacca.org/links/cultural-policies-around-the-world

⁵ www.ifacca.org/links/online-bibliographies

⁶ www.connectcp.org

- IFACCA Directory providing information on global national arts and culture agencies in 165 countries. From Albania to Zimbabwe, each of the agencies featured plays a pivotal role in supporting the arts and culture in its country.
- Membership to IFACCA offers a gateway to the world's arts councils and culture funding agencies ("CONTEXT"; "SIZE"; "ASSOCIATION").

For more information on IFACCA refer to its Constitution⁷ and its Information Kit.⁸ IFACCA has 72⁹ National members and 48 Affiliate members as well as Strategic Partners¹⁰ that include UNESCO and other international networks, agencies, foundations and organisations ("GLOBAL"; "TARGETED"; "DISTRIBUTION"; "RECOGNITION"; "DIVERSITY"; "SUBSTANTIAL SIZE"). The global community that IFACCA serves is substantial in size with a strong association with the string, music culture participants, Do-It-Yourself artists and music fans, arts councils and government Ministries of Culture relating to the arts and music internationally.

The music community invoked is a strictly delineated, organized and culturally-based 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. "MUSIC" has no other significant meaning or name beyond the definition offered by popular dictionaries and encyclopedias that define "MUSIC" as relating to "combining sounds rhythmically, melodically or harmonically ("UNIQUENESS)." The music community corresponds to the community relating to "the art of combining sounds rhythmically, melodically and harmonically" ("IDENTIFICATION"; "ASSOCIATION"). The Community is distinct and has a strong association with the applied for string since it encompasses sharing similar needs and attitudinal and behavioral patterns in relation to music-related activities, music production and its consumption. The "MUSIC" string matches the name of the Community and is the established name by which the Community is commonly known by others, such as the traditional media using phrases such as the "MUSIC" artists, "MUSIC" producers and "MUSIC" publishers to classify commonly known Music Community entity types ("NEXUS"; "ASSOCIATION"). Also the "MUSIC" string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI and Dewey. For example, the Dewey Decimal Classification system, published in 1876 ("LONGEVITY"; "PRE-EXISTING"; "ASSOCIATION"), has code 780 relating to "MUSIC".

The Community served is commonly structurally organized using pre-existing, strictly delineated classes ("DELINEATION") and recognized criteria to clearly organize the Community ("ORGANIZED/FORMAL"; "ASSOCIATION") classified by:

⁷ <http://media.ifacca.org/files/ConstitutionEnglish.pdf>

⁸ <http://media.ifacca.org/files/InfokitEnglish.pdf>

⁹ http://www.ifacca.org/membership/current_members/

¹⁰ http://www.ifacca.org/strategic_partners/

- North American Industrial Classification System codes (NAICS)¹¹ 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. e.g. “Musical groups and artists” are formally classified by NAICS code 711130.¹²
- United Nations International Standard Industrial Classification (ISIC)¹³ to “delineate according to what is the customary combination of activities,”¹⁴ such as those representing the Community.

Description of the basis for the Objection (Article 3.3.1 of the Guidebook and Article 8 of the Procedure) - Factual and Legal Grounds

(Description of the basis for the Objection, including: a statement giving the specific ground upon which the Objection is being filed, and a detailed explanation of the validity of the Objection and why it should be upheld.)

The application¹⁵ creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted on the grounds of discrimination based on its exclusionary eligibility and registration policies.

The application’s nature creates significant economic, cultural and reputational damage. These exclusionary policies clearly illustrate that the applicant is not acting in accordance with the interests of the entire community, including music fans/consumers. It only serves a select group of associations with “accreditation.”

A substantial portion of the community uses the Internet to perform core activities such as communication, marketing, branding, distribution and sharing. By excluding a substantial portion of the community, such as Do-It-Yourself artists, music fans and other members who do not belong to these “Accredited” associations negatively interferes with core Internet-related activities that the music community participates in.

A substantial majority of the community do not belong to “these Accredited” associations. Their exclusion from registration eligibility and prevention from associating and branding themselves using

¹¹ <http://www.census.gov/eos/www/naics>

¹² <http://www.census.gov/econ/industry/def/d711130.htm>

¹³ http://www.unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf

¹⁴ <http://www.unstats.un.org/unsd/classfamily/family2.asp?CI=17>

¹⁵ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1659>

a culturally semantic “music” string identifier not only creates a culturally harmful division within the music community but also creates other detrimental outcomes such as anti-competitive issues and infliction of material economic and artistic harm.

Detrimental issues that the highly restricted application creates include based on discrimination grounds include:

A. EXCLUSION NEGATIVELY HARMING LEGITIMATE PARTICIPATION, CORE ACTIVITIES AND USER EXPERIENCE

Excluding a significant portion of the community that has no formal association with Applicant's “Accredited” associations from registration and participation harms the community and will have substantial negative repercussions to the applicant's mission to create a “trusted brand” under the string since credibility is strongly tied to creating a trusted brand. If a majority of credible and legitimate music community members are excluded, this will negatively affect the string, its core activities, user experience and consumer trust to a great extent. Consumer trust is an integral factor for launching the new gTLD program and a critical component outlined by ICANN and the U.S government in their Affirmation of Commitments to “promote competition, consumer trust, and consumer choice in the DNS marketplace.”¹⁶

The applicant states that those community members “who produce, play or practice the art of music is at loggerheads with those who consume it” and that their application “challenges that notion by focusing on the one thing they both have in common: a passion for music.” The application asserts that “for the music to last, there has to be a balance between the needs and desires of both” those music community types and re-affirms that “the era of perceived friction between the producers and consumers of music is about to end, as both find a new platform where their mutual interests and desires coalesce for the combined greater benefit (18a).”

However, their application's restrictive eligibility and registration policies prove otherwise by excluding music fans/consumers altogether thus creating “friction” through discrimination. This discrimination will negatively harm the proposed mission and purpose which is at odds and continually inconsistent with the nexus and the strict, clear delineation of music community as aforementioned and defined by the applicant.

The applicant continually addresses music consumers as integral constituents that form the music community but yet does not consider them eligible for registration, despite the applicant's “express intent and purpose of serving a community established and known worldwide, which despite location, culture or genre, is identified and united by a single word: music (20a).” The applicant even admits that fans are crucial stakeholders but does not include them in their “nexus” and makes them ineligible

¹⁶ <http://www.icann.org/en/news/announcements/announcement-30sep09-en.htm>

from registration because the "interests of creators were assumed to be at odds" with the interests of music fans. However, the application acknowledges that both constituents are essential and that "one cannot exist without the other" and that "both have something crucial in common: a passion for music, and a symbiotic relationship (20d)." This showcases with certainty that exclusion of one constituent creates substantial detriment to the entire music community, not merely to a majority of it.

The applicant continually affirms that its purpose is to serve a community united by the word "music" but eliminates a substantial portion of the community, such as music fans/consumers, buskers, informal participants and Do-It-Yourself (DIY) artists. DIY artists by definition do not belong to their "Accredited" associations. The DIY ethic refers to the ethic of self-sufficiency through completing tasks without the aid of a paid expert or association with third-parties relating to task performed. In "Cultures of Authenticity and Deconstruction," Ryan Moore explains that "the process of creating independent media and interpersonal networks in opposition to the corporate media is referred to as the "do-it-yourself," which enabled "spectators to become participants" and "enabled a sense of local community."¹⁷

Music fans/consumers and Do-It-Yourself artists do not have membership in any of their "Accredited" associations and thus are discriminated against and blocked from registration despite the applicant recognizing and acknowledging that both "creators" and "consumers" are, indeed, members of the community: "The music community is dedicated to faithfully and concurrently meeting the needs of both "creators" and "consumers" of music alike" (20a).

Historically-speaking, any participation within the music community, such as attending a music concert, street team or word of mouth marketing or artist crowdfunding, does not have any requirement of affiliation with any association. Community members never had to belong to "Accredited" associations to be considered legitimate and eligible. The application clearly acknowledges that their "definition of the music community does not have individual consumers of music" unless they are forced to "belong to one of the "Accredited" Member Organizations of the Global Music Community," a club of associations/organizations called Charter Member Organizations.

The applicant's premise of the alleged conflict relates to commercial activities. Music constituents also include non-commercial constituents. The application focuses entirely on commerce to justify its "odds" with music consumers. This ignores the significant portion of the music community that is non-commercial in nature and culturally driven. Music culture has historically existed ages before modern music commerce. Recorded music is a fairly recent phenomenon in the chronology and evolution of music from a historic perspective and only came to fruition following the invention of the gramophone in 1888.¹⁸

¹⁷ <http://www.stevenlaurie.com/wp-content/uploads/2012/01/moore-punkauthenticity.pdf>

¹⁸ <http://www.pbs.org/wqgbh/pages/frontline/shows/music/inside/cron.html>

Music fans are not in conflict with the music community. They add value. If fans were in conflict with commercial entities then under the same token musicians should be considered to be in conflict with commercially-driven instrument manufacturers. However, one can not exist without the other.

Despite fans and DIY artists fulfilling the applicants community delineation, namely in the “advocacy, promotion, distribution, even financing of music” they are excluded from registering a .music domain.

Today, fans share and distribute music. Many fans form street teams to help market artists' music and spread the word. Others administer artist fan sites that are focused on enhancing an artist's brand. The Internet has facilitated fan funding through outlets such as Kickstarter, Sellaband, Pledge Music and Indiegogo, with many in the music industry claiming this is the new "record labels" of the future: artists get to keep all their rights and the funders - the fans - benefit too. For example, Amanda Palmer raised nearly \$1.2m from fans on Kickstarter.¹⁹ Kickstarter alone has generated over \$41m in fan funding for music artists. Many major artists such as Public Enemy (59,100 Euros),²⁰ George Clinton²¹ (\$50,419) and Ben Folds Five²² have used fan funding as well. Independent artists such as Five Iron Frenzy²³ (\$207,980) and Murder By Death²⁴ (\$187,048) are amongst hundreds of thousands of artists that choose fan funding as their new source of financing, sharing and promoting their music.

"The business as we know it is broke," says Peter Jenner, legendary artist manager of Pink Floyd. "Digital technology is fundamentally changing our business in a way that no development in the last 200 years has, except for the onset of electricity. The consumer is now the distributor and manufacturer, which represents a fundamental change in the value chain of who gets what."²⁵

Former chairman of major music label EMI Alain Levy wrote an article posted by the International Federation of the Phonographic Industry²⁶ that represents the recording industry worldwide (1400 members in 66 countries and affiliated industry associations in 56 countries). In “Digital Music and How the Consumer became King” Levy re-iterates the significance music fans play in today's music culture and business and should not be discriminated against:

“More music is being consumed than ever before. Fans want music their way, not the way that content owners dictate...Consumers have an increased and vital role, of that there is no doubt. The music companies continue to reinvent themselves to harness the power of the consumer by understanding that the internet has changed the face of promotion. Now the windows have shifted and the online world starts the first buzz, with music companies giving fans the tools to discover and promote their favourite bands. The new digital consumer has

¹⁹ <http://www.kickstarter.com/projects/amandapalmer/amanda-palmer-the-new-record-art-book-and-tour?ref=card>

²⁰ <https://www.sellaband.com/publicenemy>

²¹ <http://www.indiegogo.com/Fundraiser-for-C-Kunspyrhzy-and-What-Studios>

²² <http://www.pledgemusic.com/projects/benfoldsfive/>

²³ <http://www.kickstarter.com/projects/fiveironfrenzy/new-five-iron-frenzy-album?ref=card>

²⁴ <http://www.kickstarter.com/projects/murderbydeath/murder-by-death-new-album-bitter-drink-bitter-moon?ref=card>

²⁵ http://articles.chicagotribune.com/2006-10-15/news/0610150197_1_music-industry-future-of-music-coalition-tower-records

²⁶ http://www.ifpi.org/content/section_about/index.html

impacted every area of our creative process - they have changed the way we source, present and market our content in every way.

Communities are the places for aspiring artists to showcase or demo their sounds, and we have the added benefit that the consumer is right there with us during the discovery process voting on an artist's popularity by virtue of their clicks...The implication of the online world is that we are now picking up artists who are slightly more mature in terms of development and the strength of their online fan base...Marketing has moved from push to pull. Consumers are now the marketers and distributors of content too. Music regularly provides the consumer with marketing assets like banners, images and video and audio free samples to encourage them to promote their favourite band...allowing the consumer to become part of the creative process both online and in traditional media.

It's all about embracing and encouraging consumer involvement and recognising that content will be used to create more content. Content providers that listen to the consumer will drive compelling content and thrive. If there were a media executive generated 'most viewed' list of trends in this new digital world we face, they would read as follows: The consumer is totally empowered.²⁷

B. COMPETITION

The fact that the applicant's "goal for .music is to create a trusted brand and secure name space" is only restricted to "accredited members of the .music community (18b)" creates anti-competitive and anti-trust issues based on the restrictive nature of the application's eligibility and registration policies. This would certainly give a significant and unfair branding and marketing advantage on the Internet to music community members belonging to their "accredited" associations over a significant portion of the community who are unfairly ineligible for registration.

Discrimination will also materially harm on outreach efforts for maximizing the string's potential. There is also no criteria provided that constitute what the requirements are to be an "accredited" community association or "accredited" member of the community.²⁸ This alone is anti-competitive. Incorporating select gatekeepers without any publicly available criteria and creating such exclusion is detrimental to the legitimate interests of the music community and serving the global public interest:²⁹

Excerpt from Techcrunch's publication on the topic:

"It goes *against* the reality we know today, which is that new technologies are allowing anyone to become a musician. Instead, it's based on the obsolete notion that only those in their special club

²⁷ http://www.ifpi.org/content/section_views/view024.html

²⁸ <http://www.techdirt.com/articles/20120208/03161317696/always-gatekeeper-riaa-backs-music-proposal-if-its-only-limited-to-accredited-musicians.shtml>

²⁹ <http://www.techdirt.com/articles/20120201/09311617622/rise-professional-amateur-fall-gated-exclusionary-clubs.shtml>

are "really" musicians. What you end up with is exactly what the RIAA wants: a system where it gets to "accredit" musicians. A system where gatekeepers still matter. If .music uses such a system, it almost immediately becomes irrelevant, and sets itself up as an exclusionary club in an era when such things aren't necessary anymore."³⁰

C. "ACCREDITATION" CRITERIA OF CHARTER MEMBER ORGANIZATIONS ARE NOT HISTORICALLY OR PUBLICLY RECOGNIZED BY GLOBAL MUSIC COMMUNITY

According to the ICANN new gTLD guidebook, an established institution must have "public historical evidence of its existence, such as the presence of a formal charter or national or international registration, or validation by a government, inter-governmental organization, or treaty. The institution must not have been established solely in conjunction with the gTLD application process."³¹

The "Charter Member Organizations" were established "solely in conjunction with the gTLD process" and their accreditation criteria have never been made public to the global music community before the ICANN gTLD application process. Supporting organizations and associations for the applicant do have history of existence but never made accreditation criteria publicly available in relation to what the applicant refers to as a "Charter Member Organization" which forms the basis for registration eligibility. Basing the application's strict and restricted eligibility and registration criteria on loose and publicly unrecognized "accreditation" criteria materially harms a significant portion of the music community which is discriminated against and excluded from registration.

There is no clear criteria how an entity can become a Charter Member Organization which is in itself discriminatory and anti-competitive since the applicant ultimately makes the decisions on who is eligible or not to become an "accredited" association.

CONCLUSION: SERVING THE GLOBAL PUBLIC INTEREST

Internet statistics reveal the size, diversity, semantic and cultural significance of "music." According to Google Adwords, the "music" category of keywords, including short-tail and long-tail variations, is the Internet's most searched category e.g. the term "music" has 226,000,000 monthly searches on Google. Variations of other keyword phrases with the term "music" amount to billions of monthly searches too. Other related terms within the music category enjoy millions of global searches, such as

³³ <http://irene.buzzfeed.com/reghan/the-day-the-music-died-2>

"lyrics" (338,000,000), "music songs" (101,000,000) and "mp3" (277,000,000) respectively. Popular music genres enjoy millions of global searches too e.g. "rock" (83,100,000). Popular music artists also enjoy millions of searches, such as Justin Bieber (30,000,000). The term "music" translated in other languages also enjoy millions of global searches, such as the Spanish term "musica" (185,000,000).

YouTube, according to Alexa,³⁴ is the 3rd most visited site after Google and Facebook. The term "Youtube" has 1,380,000,000 monthly searches on Google. The "music" channel is the most popular category on Youtube.³⁵ According to ComScore, 40% of YouTube's audience clicked over in July 2011 to watch music videos. Vevo's music channel accounted for 38% of YouTube's viewers. This clearly substantiates the cultural and semantic nature as well as the popularity of "music", making this a "sensitive" string that is a public resource to be consumed by the entire community, not a club of associations.

The applicant acknowledges that "the choice of "music" as a string is important" and identifies community members as "the people who create, write, record, perform, develop, teach, preserve, nurture, promote, distribute and sell music, think of themselves as members of the music community. "Music" is the one tribal identity that is global (20d)." However, the application chooses to exclude and discriminate against music fans, DIY artists and other legitimate members of the music community "tribe" who fulfil that identification for eligibility.

The applicant's intended registration policies discriminate against supporting the purpose of the string by creating a "restricted domain space" where second level .music domain names can only be registered by entities with "Music Association/Organization membership or affiliation with at least one Member Organization of the Global Music Community (20e)."

The application's discriminatory nature is highlighted by its acknowledgement that "the string "music" is also relevant for the consumers or fans of music. Although the music lover or consumer is not defined as part of the Global Music Community, they do share a common bond: a passion for music. The music lovers and consumers are very much a sustaining force and the "raison d'être" for the Global Music Community." Despite fans being a sustaining force of the community, they are excluded in a discriminatory manner which relegates the entire user experience of the string. A music public resource without fan participation cannot exist.

Despite this, the applicant acknowledges that their "definition of the music community does not include individual consumers of music (20d)" even though they form a substantial portion of the community playing a leading role on how music is distributed and marketed on the Internet today.

Concrete evidence aforementioned factually substantiates that discrimination will have a materially detrimental impact on user experience and trust since a significant portion of the music community, such as music fans and DIY artists, are not eligible for registration creating concrete economic and reputational harm and interference with community core activities. The lack of participation through the

³⁴ <http://www.alexa.com/topsites>

³⁵ <http://adage.com/article/digital/popular-channel-youtube/229281/>

applicant's discriminatory registration eligibility damages the development of a more engaging and shared user experience as well as adversely harms the creation of a more collaborative, innovative and positive network effect if the entire music community was allowed to join and contribute as registrants. Other members of the community have expressed similar opinions on the application's severe consequences in ICANN's public comments, including Grammy award winner E-Love³⁶, NRG music award winner Melissa Mars³⁷, DIY musician Travis Pearman³⁸ and NUE Talent Agency³⁹.

Remedies Requested

(Indicate the remedies requested.)

The application is withdrawn and denied. The applicant can request a full refund from ICANN or be given the opportunity to re-apply for the string or another string in a subsequent application round since any changes to the current application would constitute material changes and any changes would adversely affect other third-parties.⁴⁰ However, we would withdraw the objection if an amicable multi-stakeholder community-based partnership by both parties is made representing the interests of the entire community.

Communication (Article 6(a) of the Procedure and Article 1 of the ICC Practice Note)

A copy of this Objection is/was transmitted to the Applicant on: March 13, 2013 by email address: js@farfurther.com

A copy of this Objection is/was transmitted to ICANN on: March 13, 2013 by email address: newgtld@icann.org

Filing Fee (Article 1 Appendix III to the Rules and Article 8(c) of the Procedure)

As required, Euros 5 000 were paid to ICC on March 7th, 2013.

Evidence of the payment is attached for information.

³⁶ <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/11706>

³⁷ <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/11702>

³⁸ <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/11718>

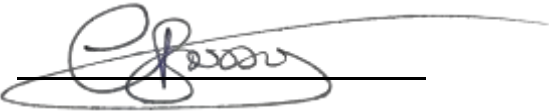
³⁹ <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/11443>

⁴⁰ <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>

Description of the Annexes filed with the Objection (Article 8(b) of the Procedure)

List and Provide description of any annex filed.

Date: March 13, 2013

Signature: A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a series of loops and a long horizontal stroke extending to the right. The signature is written over a solid horizontal line.



International Chamber of Commerce

The world business organization

International Centre for Expertise □ Centre international d'expertise

NEW GENERIC TOP-LEVEL DOMAIN NAMES (“gTLD”) DISPUTE RESOLUTION PROCEDURE

REQUEST FOR LEAVE TO FILE ADDITIONAL SUBMISSION & REPLY TO APPLICANT’S RESPONSE TO THE OBJECTION

References to use for the Procedural Documents

Name	Abbreviation
Rules for Expertise of the ICC	“Rules”
Appendix III to the ICC Expertise Rules, Schedule of expertise costs for proceedings under the new gTLD dispute resolution procedure	“Appendix III”
ICC Practice Note on the Administration of Cases	“ICC Practice Note”
Attachment to Module 3 - New gTLD Dispute Resolution Procedure	“Procedure”
Module 3 of the gTLD Applicant Guidebook	“Guidebook”

Disputed gTLD

gTLD Objector objects to [.example]

Name	.MUSIC (Application ID: 1-959-51046)
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If there is more than one gTLD you wish to object to, file separate Objections.

REQUEST FOR LEAVE TO FILE ADDITIONAL SUBMISSION IN REPLY TO APPLICANT'S RESPONSE TO OBJECTION

Objector, the International Federation of Arts Councils and Culture Agencies (“Objector or IFACCA”), through its undersigned counsel, and pursuant to the Rules for Expertise of the ICC, ICC Practice Note on the Administration of Cases, and Attachment to Module 3 – New gTLD Dispute Resolution Procedure (the “Rules”), Objector hereby requests leave to present an additional submission to reply to new information contained in the Applicant’s Response to the Objection.

1. Request to the Panel for Leave to File a Reply to Applicant’s Response

Although the Rules are silent concerning the filing of additional submissions, as with most proceedings (Court Proceedings or Arbitrations), parties may petition the presiding panel for leave to file a reply to new information asserted in a responsive pleading. Where new information is raised, a party should be permitted to submit a clarifying statement in response. Accordingly, Objector respectfully submits the Additional Submission below for the Panel’s consideration.

2. IFACCA’s Standing Is Clear:

In its Response, Applicant incredulously argues that Objector has no standing. While Applicant admits that the International Federation of Arts Councils and Culture Agencies (“IFACCA”) is an “established institution,” Applicant questions “whether [IFACCA] has an ongoing relationship with a clearly delineated community” and whether IFACCA “is strongly associated with the applied for string.” (Response at pp.5-6). Applicant’s Response marginalizes the importance of international cultural ministries and arts councils and the critical role they play advocating and supporting music arts and education within their countries and abroad. Marginalizing this group of non-commercial artists, fans, and supporters is exactly why the objection should be upheld. Moreover, Applicant conspicuously ignores the overlap between Applicant’s and Objector’s constituents (See Section 2b, below).

a. Ministries of Culture & Arts Councils are Inextricably Part of Music Community

At the outset, Objector notes that the Panel should take judicial notice that the IFACCA member ministries of culture and arts councils, support musicians, musical performances, independent music artists, and non-commercial musical expression and education in their respective countries. Although it seems to be an elementary and settled point, Applicant questions whether Ministries of Culture and Arts Councils have a relationship with “the music community.” Objector notes that the 165 ministries of culture and arts councils that comprise IFACCA support the “performing arts,” which includes, but is not limited to music artists and music listeners (otherwise known as “fans”) throughout the IFACCA member countries. Indeed, it is submitted that 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 substantial support of music activities.¹ Other small government Ministries of Culture, such as Albania,² or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,³ all provide critical support and substantial advocacy for music. Such government institutions also collaborate and advocate through their funded country-based pavilion initiatives at Midem, the world's largest music conference.⁴ Therefore, while it seems quite obvious, out of caution, Objector submits the following evidence to support the direct association, and strong correlation, of IFACCA members with the music community and the string, .MUSIC.

Government ministries and arts councils provide critical support for the music community, including commercial music organizations and a significant portion of the community that Objector asserts Applicant is discriminating against - fans, DIY and independent artists and music bloggers. 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 in Section 2a.i. and the GAC Statement identified in Section 2a.ii as follows:

*i Government Connection to Music Through Investment and 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).⁵
- 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.⁶
- 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

¹ 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) and Musical Festivities for the European Volunteerism Year (1.2.11)

² http://www.culturalpolicies.net/down/albania_012011.pdf

³ 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)

⁴ <http://my.midem.com/en/contact-us/pavilion-representatives/>

⁵ 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)

⁶ 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

- Programs (Page 66).⁷ The Government of Canada also renewed its annual investment of \$27.6 million over five years in the Canada Music Fund.⁸
- 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 2012.⁹
- The United States National Endowment of the Arts has awarded more than \$4 billion to support the arts since its inception¹⁰ and has a strong focus on music as outlined in its Strategic Plan¹¹ with Congress requested to provide \$154,465,000 for fiscal year 2014.¹²
- The National Arts Council of South Africa invested 2,536,131R in Music and 9,995,000R 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”¹³
- 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.¹⁴
- 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.¹⁵

Accordingly, Objector has established its standing as a central supporter of the music arts and culture in at least 165 member countries. Each of IFACCA’s members has a clear association with music, and a mandate to support the “arts” in their countries. In many countries the ministry of culture/arts council is the largest supporter of the music arts.

ii. Government Advisory Community (GAC) Support for Music.

Government association with the music community is further established through the GAC.¹⁶ GAC identified .MUSIC, among others, as a “sensitive” string in the realm of intellectual property that

⁷ 2011 Annual Report for Canada Council for the Arts, http://www.canadacouncil.ca/NR/rdonlyres/6F7549BB-F4E5-4B8B-95F4-1FF9FAFB9186/0/CanadaCouncilAnnualReport2012_COMPLETE.pdf

⁸ <http://www.pch.gc.ca/eng/1294862453819/1294862453821>

⁹ 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

¹⁰ 2011 Annual report for the National Endowment of the Arts, <http://www.nea.gov/about/11Annual/2011-NEA-Annual-Report.pdf>, Page 2

¹¹ NEA Strategic Plan 2012-2016, www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf

¹² http://www.ifacca.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/

¹³ 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)

¹⁴ Singapore Arts Council, <http://www.nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91c>

¹⁵ <http://www.taiteenkeskustoimikunta.fi/documents/10162/31704/TY+tilastotiedote+1+12+.pdf>, Page 1 and Page 23

requires additional safeguards. On April 11, 2013, after the filing of this Community Objection, the GAC issued its Beijing Communique, which provides, among other things, that:

“in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”¹⁷

This advice is central to the evaluation – particularly if applied-for sensitive string(s) are part of a contention set - and highly relevant given this Community Objection, the upcoming Community Priority Evaluations as well as the legitimacy, trust and breadth of the supporting significant portion of the music community it negatively affects.¹⁸ Objector is concerned that by allowing a .MUSIC application to proceed where that Application excludes a significant legitimate portion of a community from registering will create material harm to that community. If legitimate members of a community are excluded from music-themed domain registration that would constitute material harm to the legitimate interests of a significant portion of that corresponding community and those applications should not be allowed past the Initial Evaluation stage. Thus, government ministries and governments have a demonstrated interest in the String and relevant standing to object to the Application.

iii. By Applicant’s Own Definition, Objector has Standing.

Contrary to Applicant’s assertion, the Objector by definition, represents not only the commercial interests of musical artists, it represents non-commercial music supporters and fans in their 165 member countries. Through its Response, discounting the importance of IFACCA, Applicant indicates a disregard for the important voice of millions of independent/DIY musicians and fans worldwide. Moreover, IFACCA has “standing” when judged by Respondent’s own definition for a “clearly delineated community.” In Section 20(a) of their Application, Applicant identifies “two well defined-criteria” to delineate their community as follows:

“(1) Active participation in the creation and development of music, its advocacy and promotion, its professional support, the protection and preservation of the music community’s creative rights, as well as the nurturing of the art through music education; and

(2) Current registration and verifiable membership in a global music community organization that was organized and in existence prior to 2007 (as per ICANN guidelines) who are active participants in the support and representation of the creation and development of music, its advocacy and promotion, its professional support, the protection and

¹⁶ <https://gacweb.icann.org/display/gacweb/About+The+GAC>, “The GAC’s key role is to provide advice to ICANN on issues of public policy, and especially where there may be an interaction between ICANN’s activities or policies and national laws or international agreements. GAC is regularly attended by approximately 50 national governments, distinct economies, and global organizations such as the ITU, UNESCO, the World Intellectual Property Organization (WIPO), INTERPOL and regional organizations such as the OECD, Asia Pacific Forum, and Council of Europe”

¹⁷ https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

¹⁸ <http://music.us/supporters.htm>

preservation of the music community's creative rights, as well as the nurturing of the art through music education.”¹⁹

IFACCA clearly fulfills these criteria, in each member country the ministry of culture/arts council is tasked to support performing arts (i.e. music performance and education) and each were organized long prior to 2007. Groups that form IFACCA's membership²⁰ represent governments and arts councils as well as affiliates with relevant organizations, such as DotMusic whose supporting organizations clearly represent a strictly delineated music community.²¹ IFACCA also has strategic partnerships²² with organizations that have substantial influence on music. For example, a strategic partner of IFACCA²³ is UNESCO, the organization that founded the International Music Council (the “IMC”) in 1949.²⁴ Even Applicant accepts the relevant standing of UNESCO by, among other things, basing its Application's “guiding principles” on the “overarching values, rights and objectives” of the IMC, an arts council itself (emphasis added). Accordingly, Objector as the representative of 165 member countries', UNESCO, and DotMusic's supporters (which overlap with Applicant – as noted in Section 2b. below), has standing in this proceeding to protect the interests of citizens/music fans and musical artists worldwide.

b. DotMusic is a Member of IFACCA & DotMusic's Community Overlaps Applicant's Members

Applicant admits that DotMusic Limited (“DotMusic”) is a member of IFACCA. (Section 24 of Response at p.7). As an IFACCA Member, DotMusic's supporters are, by definition, represented by IFACCA.²⁵ This ultimately “ties” IFACCA with DotMusic's supporting music community.²⁶ The nexus between DotMusic's supporting organizations and music is clear.

For example, DotMusic's digital music distributors and supporting organizations represent over 90% of all legal digital music. Ingrooves, a DotMusic supporter is associated with Universal Music Group (Universal has 32.8% music market share²⁷ and affiliated with Ingrooves²⁸). Likewise, TheOrchard, another DotMusic supporter is associated with Sony Music (Sony Music has 29.1% music market share²⁹ and affiliated with TheOrchard³⁰). Furthermore, the DotMusic supporting organization LyricFind overlaps with the Applicant's supporting community and is associated with the music lyrics licensing of 2,000 music publishers, including all four majors – EMI Music Publishing, Universal Music Publishing Group, Warner/Chappell Music Publishing, and Sony/ATV Music Publishing.³¹ Applicant admits this overlap and diversity: “The structure of the music community is organized through diverse symbiotic and

¹⁹ Applicant's Answer to Question 20a, <https://qtdresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t.ac=1659>

²⁰ http://www.ifacca.org/membership/current_members/

²¹ <http://www.music.us/supporters.htm>

²² http://www.ifacca.org/strategic_partners/

²³ IFACCAs connection to UNESCO is clear. On IFACCA's search engine UNSECO appears 539 in search results (<http://www.ifacca.org/search/?q=unesco&x=0&y=0>).

²⁴ Applicant accepts the relevant standing of UNESCO (<http://www.imc-cim.org/about-imc-separator/relations-with-unesco.html>) by, among other things, basing their “overarching values, rights and objectives” on IMC (<http://www.farfarther.com/faq.html>). On IFACCA's search engine alone there are 539 search results on UNESCO alone (<http://www.ifacca.org/search/?q=unesco&x=0&y=0>).

²⁵ http://www.ifacca.org/membership/current_members/

²⁶ <http://www.music.us/supporters.htm>

²⁷ <http://www.billboard.com/biz/articles/news/1510504/universal-music-still-market-top-dog-in-2012>

²⁸ <http://www.universalmusic.com/corporate/detail/544>

²⁹ <http://www.billboard.com/biz/articles/news/1510504/universal-music-still-market-top-dog-in-2012>

³⁰ <http://www.billboard.com/biz/articles/news/1098586/orchard-ioda-merging-sony-music-to-invest-in-new-company-sources>

³¹ <http://www.lyricfind.com/about-lyricfind/>

sometimes overlapping segments. Although the following list reflects core activities there is a great deal of community intersection and cross-pollination.”

Furthermore, the Applicant reiterates that “governmental institutions” and “arts councils” have standing and are relevant to the Global Music Community (“GMC”), providing, in pertinent part, that the “GMC structure can be illustrated by the following descriptive constituent categories: ...organizations, councils and associations who engage in the education, preservation, nurturing and advocacy of the music community that includes artistic, cultural and governmental institutions, national and international arts councils. (emphasis added).”³²

DotMusic supports the participation of the entire music community in the String – not just commercial interests or “Accredited” Associations organized prior to 2007. DotMusic represents everyone and is all-inclusive. Its policies were developed with input from the Coalition of Online Accountability (representing RIAA, ASCAP, BMI, A2IM) and through personal interactions with many of the Applicant’s supporters (including RIAA, A2IM, ASCAP). Accordingly, as an IFACCA member, DotMusic’s music community Supporting Organizations are also relevant to establishing Objector’s standing in this proceeding. Therefore, given the substantial and irrefutable connection between IFACCAs members and the worldwide music community, the Objector has clear standing to oppose the Application, and its concerns should be heard by the Panel.

3. Applicant’s Application is the Relevant Document for Consideration by the Panel

Applicant has attempted to refute Objector’s concerns by pointing to statements made by Dotmusic outside the four corners of the Application. While it is easy for any party to change its posture to reflect the concerns of the moment, it is the Application that must be evaluated. AGB 3.5.4. ICANN’s gTLD process is based on contractual principles and gTLD evaluations are determined by evaluation of the language contained in the application – not self-serving and morphing statements. Here, Applicant has attempted to deflect the genuine concerns of Objector by citing to statements that conflict with what is stated in their Application. For the Community Objection process to have any meaning, all participants must be evaluated on the same basis – whether or not their policies, as stated in their Application are harmful to members of the community.

Applicant itself confirms that the relationship between the applied-for string and the community identified will extend into a common platform to promote “music advocates and policy makers.”³³ Governments are both advocates and play a leading role in setting laws and statutory royalties pertaining to copyright to protect and enable monetization of music works (e.g. U.S Library of Congress³⁴ and Copyright Royalty Board³⁵). Excluding these entities creates material harm to their legitimate interests. The Applicant also admits that there are “connotations the string may have beyond the community” they describe and acknowledge that the “term or string “music” is also relevant for the consumers or fans of music” and confess that they are “very much a sustaining force and the “raison d’etre” for the Global Music Community” and that “one cannot exist without the other” (emphasis added).

³² Applicant’s Answer to Question 20a, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>

³³ Applicant’s Answer to Question 20d, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>

³⁴ <http://www.copyright.gov/title17/>

³⁵ <http://www.loc.gov/crb/>

Applicant rationalizes the exclusion of fans by alleging that “the interests of the creators were assumed to be at odds with the interests of the consumers...”³⁶ Applicant also acknowledges that its “definition of the music community does not have individual consumers of music (unless they belong to one of the Member Organizations or of the Global Music Community)...”³⁷ Objector notes that legitimate music fans must not be excluded from the String given their rising increasing influence on artist careers which are heavily reliant on the Internet. According to the 2013 Crowdsourcing Report fan funding has risen 81% to \$2.7 billion. Fans have created a new avenue for artists to raise funds without giving up creative control and have successfully funded more than 1 million campaigns in 2012. The significance of this trend and its impact on music artists is compelling since global crowd funding volume is forecasted to increase to \$5.1 billion.³⁸ Fans will play a more leading role in artists’ careers following the April 2013 signing of the JOBS Act³⁹ allowing fans to become investors in artists’ careers.⁴⁰

In addition to the reasons set forth in the Objection, one of the most troubling exclusionary registration policies that raise serious anti-competitive concerns relates to the Applicants “defined-criteria” for registration that requires “[c]urrent registration and verifiable membership in a global music community organization that was organized and in existence prior to 2007.”⁴¹ ⁴² This means that any legitimate “global music community organization” organized and formed after 2007 does not qualify to become an “Accredited Association,” and, in turn, its members will also be disallowed from registration unless they join an “Accredited Association,” as defined by the Applicant, that was organized before 2007.

The Applicant’s “Accreditation” process is a critical component of their restrictive eligibility registration policy. In response to the GAC Beijing Communique, Applicant submitted a timely GAC Advice Response advising that:

“restricted access to .music is governed by a set of eligibility rules. Potential domain registrants must be members of, or affiliated with, at least one organization in the music community. Domain registrations may be accepted, but will not resolve until the registrant’s membership credentials have been verified. This will require verification of relevant membership data during the registration process. This membership will be crosschecked with the relevant member organization. Verification of continued membership is required for renewal, to ensure ongoing eligibility. The application is open to all those who belong to the community as described in our application.”⁴³

³⁶ Applicant’s Answer to Question 20d, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>

³⁷ Ibid

³⁸ <http://www.crowdsourcing.org/editorial/2013cf-the-crowdfunding-industry-report/25107>

³⁹ <http://www.gpo.gov/fdsys/pkg/BILLS-112hr3606enr/pdf/BILLS-112hr3606enr.pdf>

⁴⁰ <http://www.forbes.com/sites/work-in-progress/2012/09/21/the-jobs-act-what-startups-and-small-businesses-need-to-know-infographic/>

⁴¹ Applicant’s Answer to Question 20a, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>

⁴² The Applicant alleges that this registration eligibility policy is an ICANN guideline but it is clearly not. The ICANN Applicant Guidebook Module 4-11 language pertaining to the 2007 date relates to the “definition” of the word “community” and that there was “some understanding of the community’s existence prior to September 2007,” not an ICANN-mandated registration eligibility policy (<http://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf>)

⁴³ <http://newgtlds.icann.org/sites/default/files/applicants/23may13/gac-advice-response-1-959-51046-en.pdf>, Page 5

Applicant argues that "Accreditation agencies are not forced to share data with a "third-party" (Section 71 of Response, at p.13) but yet the applicant also admits that "the registry" - a third-party - "will check with the accredited agency named by the prospective domain registration for membership status" Id. Furthermore, in Response to the GAC Communiqué, Applicant admits that they will "require verification of relevant membership data." However, despite the clear delineation and eligibility criteria of what constitutes an "Accredited" member of the Applicant's music community, in its Response, the Applicant contradicts itself by stating that "Accreditation is a new process, to be developed by the community through the Policy Advisory Board, which is yet to be formed" (Section 70 of Response, p.13).

The Panel should note, per the Applicant Guidebook, Module 4.2.3, Criterion #3 an Applicant's registration eligibility policies are critical component of the Community Priority Evaluation and scoring is based on the registration policies described in the Application.⁴⁴ The scoring and evaluation is not based on policies that are changing or to be determined at a future date. Such a "change" by Applicant would be considered a "material change" because it directly affects the scoring and the Community Priority Evaluation.⁴⁵ Moreover, changes from an Applicant's stated policies would adversely affect other Applicants in contention. As outlined by ICANN guidelines, "ICANN reserves the right to require a re-evaluation of the application in the event of a material change. This could involve additional fees or evaluation in a subsequent application round. Failure to notify ICANN of any change in circumstances that would render any information provided in the application false or misleading may result in denial of the application."

Furthermore, because "no single database for all accredited agencies" (Section 72 of Response, at p.13) exists, these "Accredited" Associations will be manually and mutually exclusively verifying registrant memberships. This will result in unnecessary costs to registrants, a likelihood of higher domain registration prices, errors and time delays.

The Applicant also admits that besides the registration price, registrants must incur additional costs such as keeping an ongoing membership with an Accredited Association that could be offered at a "low or no cost" (Section 62 of Response at p.12). If membership with an Accredited Association is "abandoned" then registrants are forced to incur additional "switching" costs to join another Accredited Association to keep their domain (Section 71 of Response, at p.13).

Accordingly, Applicant's policies, as identified in its Application call for the exclusion of a significant portion of the music community. For the reasons set forth in the Objection and those stated above, Objector has identified policies that would cause material harm to the legitimate interests of a significant portion of the music community.

Conclusion

For the foregoing reasons and as exemplified by the Applicant's own "GMC" criteria and music community definition, and as set forth in its Objection, the Objector has irrefutable standing against the Application because it creates a strong likelihood of material harm based on its exclusionary, anti-competitive policies. Such legitimate interests are central to "music" and as such are undeniably a critical part of the future String, .MUSIC. Based on the statements contained in Applicant's Application, Objector notes that Applicant has applied to run the string based on policies that will create inevitable

⁴⁴ Applicant Guidebook, <http://newtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>, Module 4.2.3, Criterion #3 at 4-15 and 4-16

⁴⁵ <http://newtlds.icann.org/en/applicants/customer-service/change-requests>

material harm to the legitimate interests of a significant portion of the music community. Accordingly, the Application is not in the global public interest.

Objector certifies that the information contained in this Additional Submission is to the best of its knowledge complete and accurate, that this Additional Submission is not being presented for any improper purpose, such as to harass, and that the assertions in this Reply to Applicant's Response are warranted under the Rules, the Polices, and any applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Communication (Article 6(a) of the Procedure and Article 1 of the ICC Practice Note)

A copy of this Request for Leave to File Additional Submission in Reply to Applicant's Response to the Objection is/was transmitted to the Applicant on: May 28, 2013 by email to the following address: kjb@karenbernsteinlaw.com; js@farfurther.com

A copy of this submission is/was transmitted to ICANN on: May 28, 2013 by email to the following address: newgtld@icann.org

Description of the Annexes filed with the Objection (Article 8(b) of the Procedure)

List and Provide description of any annex filed.

No Additional Annexes.

Date: May 28, 2013



Signature: _____

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July 22, 2013

VIA E-MAIL : rjacob@ucl.ac.uk

Rt. Honourable Professor Sir Robin Jacob
Hugh Laddie Professor of Intellectual Property Law
UCL Faculty of Laws
Bentham House
Endsleigh Gardens
London, WC1H 0EG

RE: EXP/474/ICANN/91 – Additional Submission

Dear Sir Robin Jacob:

We are in receipt of Applicant's Letter dated July 10, 2013, objecting to the Additional Submission. We note that Applicant's Letter was submitted forty-three (43) days after the Additional Submission was filed. Not only are Applicant's assertions incorrect, but the nearly one and a half month delay severely tests the veracity of Applicant's concerns. If Applicant truly took issue with the Additional Submission, it would have acted sooner and, in any event, could have written and submitted its own reply within that time frame.

Although, Objector clearly cites Art. 17 of the Attachment to Module 3 (the "Attachment") in support of its Additional Submission and Reply, Applicant's argument appears to ignore the plain language of the Article. The Attachment expressly provides for the submission of Additional Statements. Contrary to Applicant's argument, the Guidebook does not require "extraordinary circumstances" to allow a party to be heard. DSRPs, such as the ICC, WIPO, and NAF routinely accept and consider Additional Submissions when reviewing a claim. In an important case, like the instant matter, the interests of justice require that the parties be heard.

In case there is any doubt that the Attachment expressly permits review and consideration of Additional Submissions and anticipates liberal acceptance of submissions, Objector highlights the language of Art. 17 (b) which provides that:

[t]he time limits fixed by the Panel for additional written submissions shall not exceed thirty (30) days, unless the Panel having consulted the DRSP, determines that *exceptional circumstances* justify a longer time limit.

Art. 17 (b)(emphasis added). Had the drafters of the Articles required “extraordinary circumstances” to submit and accept an Additional Submission, the drafters’ would have included limiting language in Art 17(a). Moreover, when Art. 17 is compared with Art. 18 and 19 (where the rules require “exceptional” or “extraordinary circumstances”), it is clear that absence of such language in 17(a), provides that submissions of Additional Statements are to be liberally accepted.

Moreover, this is not a case where there has been a delay in filing the Additional Submission or where the Panelist or Applicant have been prejudiced – if there is any delay, it is Applicant that took 42 days to “decide” that it wanted to object to the Additional Submission.

By copy of this letter, Applicant is now aware, it has not been prejudiced and would be free to submit its own reply to the Additional Statement should the Panel decide to accept the Submissions. Indeed, the rules even envision a scenario where an Applicant could petition the Panelist for more than 30 days to file its Additional Submission (but it would require exceptional circumstances in such a case).

We also briefly refute a few points contained in Applicant’s July 10th letter as follows:

1. The Additional Submission seeks to refute inaccuracies in Applicant’s attack on the standing of governments and ministries as advocates of music, each playing a leading role in setting laws and statutory royalties pertaining to copyright to protect and enable monetization of music works (e.g. U.S Library of Congress¹ and Copyright Royalty Board²). Governments members – in this case IFACCA’s members – have standing because, in part, their role is central to the “promotion and distribution” of music, including its protection and monetization in their respective nations worldwide.

Applicant’s argument against IFACCA is also disingenuous because its own Application provides that organizations - such as the International Federation of Arts Councils and Culture Agencies (IFACCA) - have a strong affiliation and standing with music stating, in pertinent part, that the: “GMC structure can be illustrated by the following descriptive constituent categories... that includes artistic, cultural and governmental institutions, national and international arts councils. (emphasis added).”³ Moreover there is a significant overlap between Applicant’s supporting organizations and Objector’s members’ supporting organizations (such as DotMusic and Related Objector Entities⁴).

¹ <http://www.copyright.gov/title17/>

² <http://www.loc.gov/crb/>

³ Applicant’s Answer to Question 20a, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

⁴ <http://music.us/supporters.htm>

2. Applicant's Letter also incorrectly states that the Government Advisory Committee (GAC) "advice has not yet been accepted by ICANN." GAC's pertinent advice stating: "[i]n those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information"⁵ was expressly accepted by ICANN's New gTLD Program Committee on June 6th, 2013⁶; and
3. As to the "exclusionary nature of the Applicant's application," the Additional Submission seeks to refute Applicant's statements and notes that Applicant's "defined-criteria" for registration eligibility requires "[c]urrent registration and verifiable membership in a global music community organization that was organized and in existence prior to 2007."⁷ This means that under Applicant's stated policies any "global music community organization" with legitimate music members - organized and formed after 2007 - would not qualify for registration.⁸ Thereby excluding, among other groups, collection societies, music unions, educational institutions and other music communities in developing nations that formed after 2007 or have yet to be formed.

Accordingly, for the reasons set forth in its Additional Submission and above, Objector relied in good faith on the Rules in submitting its Additional Submission and respectfully notes that if any party would be prejudiced it would be the Objector if its Additional Submission was not heard. In accordance with the Rules, we respectfully request that the Panelist accept the previously filed Additional Submission for evaluation and consideration.

Respectfully Submitted,



Jason Schaeffer

cc: Spela Košak
Karen Bernstein, Esquire
Constantine Roussos
Ari Goldberger

⁵https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

⁶ <https://www.icann.org/en/news/correspondence/crocker-to-dryden-06jun13-en.pdf>, Annex 1, GAC Register #5, P.11

⁷ Applicant's Answer to Question 20a, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

⁸ The Applicant incorrectly alleges that this registration eligibility policy is an ICANN guideline. The ICANN Applicant Guidebook Module 4-11 language pertaining to the 2007 date relates to the "definition" of the word "community" and that there was "some understanding of the community's existence prior to September 2007," not an ICANN-mandated registration eligibility policy (<http://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf>)

Appendix G

.music Applicant Comparison Matrix

DotMusic Limited (.MUSIC™)

.music LLC (Far Further)

Amazon

Charleston Road (Google)

dot Music Limited (Famous Four Media)

Victor Cross (Donuts)

Entertainment Names (Minds and Machines)

Dotmusic Inc (Radix / Directi)

.music Applicant Comparison

	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	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	1 (Focused)	1 (Focused)	76 (Portfolio)	101 (Portfolio)	60 (Portfolio)	307 (Portfolio)	71 (Portfolio)	31 (Portfolio)
Type of Application	Community (Restricted)	Community (Restricted)	Standard (Open)	Standard (Open)	Standard (Open)	Standard (Open)	Standard (Open)	Standard (Open)
.music-focused Social Media Presence	Extensive	Negligible	No	No	No	No	No	No
Governance Structure	Multistakeholder Music Community	Corporate (Private)	Corporate (Private)	Corporate (Private)	Corporate (Private)	Corporate (Private)	Corporate (Private)	Corporate (Private)
Policy Advisory Board	Yes	Yes	No	No	Yes	No	No	No
Community Member Organization Formation	Formed before 2007 and after 2007.	Formed before 2007 only	No	No	No	No	No	No
Community Member Organization Resellers	Formed before 2007 and after 2007.	Formed before 2007 only						
Newly-formed Music Community Accreditation	Yes	No						
Who Can Register (Eligibility)	Entire Music Community	Portion of Music Community	Only Amazon	Anyone	Anyone	Anyone	Anyone	Anyone
Community Member Verification	Yes	Yes	No	No	No	No	No	No
Phone & Email Validation	Yes	No	No	No	No	No	No	No
Protect Famous Music Artist/Brand Names	Yes. Globally Protected Marks List (GPML)	No	No	No	No	No	No	No
Domain Naming Conditions	Yes. 1. Entity name (or portion of); or	No	No	No	No	No	No	No
	Yes. 2. Doing Business As; or	No	No	No	No	No	No	No
	Yes. 3. Acronym (AKA); or	No	No	No	No	No	No	No
	Yes. 4. Name recognizing entity; or	No	No	No	No	No	No	No
	Yes. 5. Name describing entity	No	No	No	No	No	No	No
Use:								
Only Legal Activities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Only Music-Related Activity Usage	Yes	Any Usage	Any Usage	Any Usage	Any Usage	Any Usage	Any Usage	Any Usage
Prohibits registering of domain								
with established artist's/brand's name	Yes	No	No	No	No	No	No	No
Content:								
Only Music-Related Content	Only Music Content	Any type. No Formatting.	Any type	Any type	Any type	Any type	Any type	Any type
Quality Control (No Parking Pages)	Yes	No	No	No	No	No	No	No
Enforcement & Appeals Mechanisms	Extensive	Extensive	Generic	Generic	Generic	Generic	Generic	Generic
Premium Channels for Registrants	Yes	No	No	No	No	No	No	No
Song Registry for Legal Music Licensing	Yes	No	No	No	No	No	No	No
Community Support*	Majority*	Majority*	No	No	No	No	No	No
.music-focused Social Media Engagement	Extensive. 5+ million across all media	Negligible	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)	No	No	No	No	No	No	No
Trademark for .music	Yes. Over 40 countries and regions	No	No	No	No	No	Yes. 1 country	No
Press before Application Submission	Extensive. Major Publications.	No	No	No	No	No	No	No
.music Branding before Submission	Extensive. Media, Sponsorships & Events	No	No	No	No	No	No	No
Formal Objection or Relevant Opposition	None	Objections	Objections	Objections	Objections	Objections	Objections	Objections

*Both Community Applicants have overlapping memberships since the majority of Community members have memberships with many Music Community Member Organizations

For More Info on .MUSIC™ (DotMusic Limited) visit:

www.music.us

Appendix H

DotMusic Concerns with .music LLC (Far Further)
Application with ID 1-959-51046



June 29th, 2013

Concerns with Application ID 1-959-51046

To Whom It May Concern,

We would like to address our serious concerns and objection to Application ID 1-959-51046 policies. Our concerns only relate to application policies. This is not an objection to any organization or entity that has supported this Application. Our main objective is to shed light on the policies and educate the entire at-large music community and interested parties.

Only Associations founded Prior to 2007 Can Participate and Poses Anti-Competitive Implications and Fairness Concerns

One of the most troubling exclusionary registration policies that will serious anti-competitive concerns and liability for supporting Organizations relates to the Applicant's "defined-criteria" for registration that requires "Current registration and verifiable membership in a global music community organization that was organized and in existence prior to 2007."^{1 2} This means that any legitimate "global music community organization" organized and formed after 2007 does not qualify to become an "Accredited Association," and, in turn, its members will also be disallowed from registration unless they join an "Accredited Association" defined by the Applicant that was organized before 2007.

We support the participation of the entire music community in the String – especially new entrants from emerging and developing nations and regions such as China, India and Africa - not just Associations organized prior to 2007. These regions are expected to grow significantly and introduce new relevant music associations and organizations to serve those regional artists (including collection societies, music unions, educational institutions and other music communities) in the next decade. However, under this application all these important constituents – who unfortunately currently have minimal exposure – will be disallowed from participating because they have been set up before 2007.

Legitimate Fans are Excluded

The Application acknowledges that the "term or string "music" is also relevant for the consumers or fans of music" and confess that they are "very much a sustaining force and the "raison d'etre" for the Global Music Community" and that "one cannot exist without the other" but

¹ Applicant's Answer to Question 20a, <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1659?t:ac=1659>

² The Applicant alleges that this registration eligibility policy is an ICANN guideline but it is clearly not. The ICANN Applicant Guidebook Module 4-11 language pertaining to the 2007 date relates to the "definition" of the word "community" and that there was "some understanding of the community's existence prior to September 2007," not an ICANN-mandated registration eligibility policy (<http://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf>)



excludes them from participation.³ This is not given fans rising increasing influence on artist careers. According to the 2013 Crowdsourcing Report fan funding has risen 81% to \$2.7 billion. Fans have created a new avenue for artists to raise funds without giving up creative control and have successfully funded more than 1 million campaigns in 2012. The significance of this trend and its impact on music artists is compelling since global crowd funding volume is forecasted to increase to \$5.1 billion.⁴

Please do not hesitate to contact me to discuss any of these issues or concerns that we have expressed in this letter. We believe they are important issues that affect the Domain Name System (DNS) and the artist community that is heavily reliant on the Internet for a substantial core of its activities.

Sincerely,

Constantine Roussos
.MUSIC
Email: costa@music.us
Telephone: +1 310 985 8661

Supporting .MUSIC Community Member Organizations (MCMO):
<http://music.us/supporters.htm>

³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1659?t:ac=1659>

⁴ <http://www.crowdsourcing.org/editorial/2013cf-the-crowdfunding-industry-report/25107>

Appendix I

DotMusic Concerns About Applications Without Enhanced Safeguards

July, 2013

Why Open Applications for Sensitive, Music-Themed gTLDs Create Material Harm

It is clear that any sensitive, **open** music-themed string without appropriate pro-active enhanced safeguards will create material harm to the legitimate interests of the music community and unjustifiably impair the distinctive reputation of the community-based .MUSIC mark created by DotMusic. This reputation, globally-known as DotMusic's community-based gTLD with appropriate pro-active enhanced safeguards and multi-stakeholder governance to instill consumer trust and copyright protection¹ – was built over years of ongoing significant global outreach and interaction with music community, including marketing efforts within both the relevant industry sectors of music and domains.

The .MUSIC reputation is one that the music community and DotMusic's recognized partners and supporting organizations² have relied upon (as DotMusic mentioned in popular music trade magazine Billboard³) focused on .MUSIC's community-based gTLD offering of providing a safe haven for legal, music consumption and ensuring monies flow to the music community not pirates or rogue advertising networks. Any music-themed gTLD that is open will harm the reputation built by DotMusic's .MUSIC mark by causing significant confusion in the marketplace creating severe dilution of the .MUSIC brand since open gTLDs severely lack safeguards. Open, music-themed gTLD applicants purposely applied-for the string to maximize domain registration volumes (i.e profit maximization assisted by piggy-backing DotMusic's significant marketing efforts), not to protect unaware .MUSIC registrants and consumers relying upon DotMusic's reputation and associated policies that were marketed globally. DotMusic has built reputation surrounding the community-based gTLD, one that recognized members of the relevant sectors associate with a trusted, community- based .MUSIC with safeguards (e.g pro-active – not merely reactive – policies, such as eligibility and name selection restrictions, which lack from open gTLD applicants, to prevent cybersquatting and abuse).

It is evident that open, music-themed applicants lack the appropriate pro-active enhanced safeguards required for such sensitive strings to prevent highly probable risks, illegal activities and abuses which will certainly materially harm the DotMusic brand, its music domain-related partners, supporting music community (a significant portion of the entire music community) and compromise consumer protection. This holds especially true in context of new significant costs that will be imposed on the music community if such open music-themed gTLDs are allowed to pass given the factors of user confusion that will be created by new gTLDs – especially sensitive strings – which will be abused by bad actors especially in light of lack of pro-active safeguards, current rampant music piracy online and the ineffectiveness, loopholes and significant takedown costs of the DMCA to protect copyright holders.

¹ <https://gtldcomment.icann.org/applicationcomment/commentdetails/11700>

² <http://music.us/supporters.htm>

³ <http://www.billboard.com/biz/articles/news/1179256/constantine-roussos-quest-post-how-music-will-save-the-industry>



User Confusion Pertaining to Open, Music-Themed Strings

It is evident that DotMusic's .MUSIC mark will be confused with applications by music-themed .MUSIC applicants, a fact amplified by reports, surveys, expert assertions and intellectual property specialists that Internet users in general will have a high likelihood of confusion of new gTLDs:

- Fairwinds Study and surveys⁴ show that brands will have to combat “inevitable” confusion. Nearly 75% of participants were “entirely unaware of the existence” of new gTLDs, while 44% agreed new gTLDs will “probably or definitely” cause confusion. More importantly, 70% would trust branded gTLDs – such as DotMusic .MUSIC brand - while only about half said they would not trust generic-term gTLDs – the obvious risk of dilution of DotMusic's .MUSIC brand if it was launched as a risky, open gTLD. 19% were more likely to consider branded gTLDs to be legitimate, as compared to open, generic-term gTLDs. This is consistent with Sedo's survey: more than 50% of respondents agree that there will be confusion.⁵
- WIPO also agreed that, “When one trademark owner registers its trademark in one such gTLD and another owner registers an identical or similar mark in another gTLD, the public will not be able to clearly attribute each domain name to a specific trademark owner . This is likely to cause confusion. Moreover, to the extent Internet users are unable (or become unaccustomed) to associate one mark with a specific business origin, the distinctive character of a trademark will be diluted” – such as in the case of DotMusic's .MUSIC.⁶ WIPO agrees with DotMusic that “from an IP perspective, adding more open (emphasis added), i.e., unrestricted and unsponsored/non-community-based gTLDs, is more likely to increase the likelihood of confusion (and the cost for defensive or preemptive measures) than the scope for brand differentiation.”
- In context, DotMusic agrees with the Government Advisory Committee that there will be a likelihood of confusion arising from allowing singular and plural new gTLDs – especially music-themed strings. However, ICANN voted to allow them to co-exist,⁷ amplifying the probability of user confusion.

Reports Confirm the Certainty of Material Harm for Sensitive, Open Music-Themed gTLDs without Appropriate Safeguards. Pro-active not merely Reactive Safeguards are Required

There are numerous studies and reports outlining the clear likelihood of material harm that could arise from such open sensitive music-themed strings. Many reports emphasize the clear likelihood of material harm that could arise from non-community-based, open sensitive music-themed strings without enhanced safeguards:

⁴ <http://www.worldipreview.com/news/study-warns-brands-about-gtld-consumer-confusion>

⁵ <http://sedo.de/fileadmin/documents/pressdownload/gTLD-Research-Report-and-Survey-Results-Sedo.pdf>

⁶ <http://www.wipo.int/amc/en/domains/reports/newgtld-ip/> Section 20 and 21

⁷ <https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.d>

- i. McAfee's 2011 security report confirms that open (and likely lower priced TLDs) are significantly more vulnerable and risky for abuse than community-based, restricted TLDs.⁸ Architelos report also supports finding that restricted TLDs are safer than open TLDs.⁹
- ii. Afilias reported that 75% of UK and US consumers are oblivious new gTLDs,¹⁰ a clear indication that open music-themed strings will transfer substantial risk to people who are completely unaware of new gTLDs. It is a certainty that bad actors will focus on exploiting users' unfamiliarity with these new gTLDs.
- iii. As shown by Afilias .INFO gTLD launch, a "registration period without screening or verification led to serious abuses and problems, including an unusually high number (43%) of disputed registrations" and that "launching a new gTLD is not for the faint of heart."¹¹ In context, gTLD Portfolio Applicants put these popular and sensitive music-themed strings in danger since it is a highly risky and unproven feat for one portfolio Applicant registry to successfully execute, scale and appropriately comply with complex multiple new gTLD launches simultaneously.
- iv. Verisign, the credible and recognized operator of .COM, warned about the "far-reaching and long-lasting residual implications" on the global DNS and voiced its concerns over the "operational readiness for gTLD Registries" – in this case Portfolio applicants – and risks relating to "privacy, trust, confidence, or the overall security of the DNS" resulting in "large scale security and stability issues and hard-to-diagnose corner cases where consumer expectations are unaddressed or users are provided an unsafe or otherwise less than desirable experience."¹²
- v. ICANN also anticipates a likelihood of risk by including a substantial \$115.8m risk reserve fund for new gTLDs.¹³ \$60,000 was paid by each Applicant for risk likelihood.
- vi. The re-launch of .PW as an open string serves as another strong indicator about the certainty of material harm in the case of open, sensitive and highly popular music-themed gTLDs. .PW jumped to #4 in Symantec's TLD spam security rankings.¹⁴ Almost 50% of all spam URLs contained .pw.¹⁵ Architelos also confirms .PW as the most abused TLD this year.¹⁶ Experts warned that, despite the .PW registry, Directi, having "a

⁸ http://us.mcafee.com/en-us/local/docs/MTMW_Report.pdf

⁹ <http://architelos.com/wp-content/uploads/2013/07/NameSentry-Report-2013.pdf>, P.4, July 2013

¹⁰ http://afilias.info/sites/afilias.info/files/Afilias_New-gTLD_Report_1.pdf

¹¹ Prepared for ICANN by Summit Strategies International, "Evaluation of the New gTLDs: Policy and Legal Issues,"

<http://www.icann.org/en/tlds/new-gtld-eval-31aug04.pdf>, Pg 142-3

¹² New gTLD Security and Stability Considerations, www.verisigninc.com/assets/gtld-ssr-v2.1-final.pdf and

<http://www.sec.gov/Archives/edgar/data/1014473/000101447313000012/form8-k32813xex992.htm>, 2013, Pg 1 and Pg 6

¹³ FY2014 draft Operating Plan and Budget, <http://www.icann.org/en/about/financials/proposed-opplan-budget-fy14-16may13-en.pdf>, Pg 38

¹⁴ <http://www.symantec.com/connect/blogs/rise-pw-urls-spam-messages>

¹⁵ <http://www.technewsworld.com/story/78073.html>

¹⁶ <http://architelos.com/wp-content/uploads/2013/07/NameSentry-Report-2013.pdf>, P.4, July 2013

fine set of rules forbidding spam and other evil” effectively-scaling compliance manually was unmanageable. Reactionary policies alone are vulnerable to increased compliance cases. .PW “should be a lesson” for new open TLDs as managing abuse is no easy feat.¹⁷ Experts agree that open gTLD policies for sensitive strings compromise both trust and mitigating abuse: “Problem is that they are reactive, as opposed to proactive.”¹⁸

- vii. Google Android’s open app Google Play ecosystem “does not have a strict app approval process in place or vetting to block pirated or malicious applications¹⁹ – analogous to all Portfolio Applicants’ open gTLD registration policies, making it highly vulnerable to abuse.”²⁰ In antithesis, Apple App Store has a stricter and more restrictive approval process and as a result is more trusted, safer and less vulnerable to abuse.²¹ Google’s open platform and low barriers to entry provide a unique opportunity for abusers to exploit unprotected users: (i) 72% of all its apps access at least one high-risk permission,²² (ii) Malware increased by 580% between 2011 to 2012 with over 175,000,000 downloads deemed “High Risk,”²³ (iii) Kaspersky Lab: 99% of mobile malicious programs target Google Play’s open platform.²⁴ It is a clear certainty that the portfolio Applicants’ lack of appropriate enhanced safeguards for music-themed strings of such semantic meaning and nature will result to material economic and reputational harm, abuse, piracy, cybersquatting, spamming and interference with the community’s core activities given the size and popularity of the community, its past history of Internet abuse and exploitation and its vulnerability to such abuse²⁵ - especially given the ineffectiveness of today’s DMCA takedown process, which only pertains to the USA and was introduced in 1998 – before even Napster, Google and digital music was around.²⁶

The 1998 Digital Millennium Copyright Act (DMCA) and 2001 European Copyright Directive (EDEC) laws are Outdated, Ineffective and Not Global

In context of the ineffectiveness of the DMCA and European Directive copyright laws to address rampant online copyright infringement/piracy, it is a certainty that the lack of appropriate and pro-active enhanced safeguards for music-themed strings will result in material abuse, piracy, cybersquatting, spamming, economic and reputational harm i.e interference with the community’s core activities. These repercussions are unquestionably predictable

¹⁷ John Levine (Spam Expert), <http://jl.ly/Email/palau.html> and <http://jl.ly/Email/pwnope.html>

¹⁸ Thomas Barrett, President of registrar Encirca

¹⁹ http://www.circleid.com/posts/20130530_role_of_trust_in_determining_a_new_tlds_business_success/

²⁰ <http://www.juniper.net/us/en/local/pdf/additional-resources/inpr-2011-mobile-threats-report.pdf>

²¹ <http://www.pcmag.com/article2/0,2817,2396558,00.asp>

²² <http://www.wired.com/business/2012/12/ios-vs-android/>

²³ <https://www.bit9.com/download/reports/Pausing-Google-Play-October2012.pdf>

²⁴ http://blog.trustgo.com/image/2012/10/trustgo_halloween_spotlight.pdf

²⁵ http://www.securelist.com/en/analysis/204792255/Kaspersky_Security_Bulletin_2012_The_overall_statistics_for_2012#1

²⁶ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/msg00092.html> (<http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfJAXI5xkyLm.pdf>)

²⁶ http://www.riaa.com/blog.php?content_selector=riaa-news-blog&content_selector=riaa-news-blog&blog_selector=One-Year-&news_month_filter=5&news_year_filter=2013

considering the size and popularity of music and the community's history of widespread online infringement and vulnerability to a higher risk of online abuse."²⁷

The DMCA law, meant to address copyright infringement on the Internet, is outdated since it was introduced in 1998 (before Napster, Google, filing sharing, social networking, digital music and smartphones existed).²⁸ DMCA requirements are also complicated, costly and intimidating to artists and copyright holders. The DMCA "gives those who don't want to bother getting a license for the content they use to build their lucrative businesses a veil to hide behind" and is "ineffective for major labels, and useless for indies." The DMCA is "local, not global"²⁹ aimed at U.S. hosts. Not only can a host not take down material not on their servers, infringers also take great precautions to hide their true source.³⁰ Experts agree that "the DMCA errs because it focuses on a technological means – circumvention - rather than a criminal end - piracy."³¹ Even Google agrees with DMCA misuse by indicating that "37% of takedown notices were not valid copyright claims"³² but strategically still bases its takedown policies on the DMCA for "Google Music."³³ Costs increase exponentially depending on the amount of infringing websites and copyrights negatively affected, including the number of non-U.S. takedowns (language, legal and cultural issues require greater effort and costs).³⁴ The outdated DMCA law has become so unmanageable and ineffective that the U.S. Judiciary Committee decided it will be conduct a comprehensive review of U.S. copyright law relating to the Internet.³⁵

The EU's EDEC also presents problems since it does not set specifications as to what format a notice of infringement should take, who is able to send one or what information is required. There are no listed penalties for filing a false report, no guidelines for putting back falsely removed content and no requirements to adequately identify infringing works.³⁶ The EU lacks a standard law to handle notice-and-take downs of illegal sites and "is looking to decrease this complete arbitrariness that its current notice-and-take-down system suffers from."³⁷

Relevant Associations and Organizations Strongly-Related with the Creative Communities Agree on the Necessity of Appropriate Enhanced Safeguards

²⁷ Music Coalition letter to ICANN, <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/msg00092.html> (<http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfJAXI5xkyLm.pdf>)

²⁸ http://www.riaa.com/blog.php?content_selector=riaa-news-blog&content_selector=riaa-news-blog&blog_selector=One-Year-&news_month_filter=5&news_year_filter=2013

²⁹ Helienne Lindvall, Experts Agree: The DMCA Takedown System Is a Joke, and Must be Scrapped, <http://www.digitalmusicnews.com/permalink/2013/20130528scrapthedmca>

³⁰ <http://www.plagiarismtoday.com/2009/08/06/top-5-dmca-mistakes>

³¹ Timothy B. Lee, Circumventing Competition The Perverse Consequences of the Digital Millennium Copyright Act (2006), cato.org/pubs/pas/pa564.pdf, Page 23

³² Google submission to the New Zealand Telecommunications Forum, <http://www.tcf.org.nz/content/ebc0a1f5-6c04-48e5-9215-ef96d06898c0.cmr>, Page 9

³³ http://support.google.com/bin/request.py?contact_type=lr_dmca&dmca=text&product=artists

³⁴ <http://www.dmca.com/solutions/View.aspx?ID=9dedb9ff-3cc8-4bd6-8dfc-494e13b73b3e>

³⁵ http://judiciary.house.gov/news/2013/04242013_2.html

³⁶ <http://www.plagiarismtoday.com/2006/05/15/us-vs-europe-notice-and-takedown/>

³⁷ Amelia Andersotter, EU Parliament, http://activepolitic.com:82/News/2012-07-22b/EU_Parliament_Debates_their_own_DMCA.html, http://ec.europa.eu/internal_market/iprenforcement/directive/index_en.htm

Globally recognized and highly credible associations strongly associated with the creative communities – whose business model is dependent on copyright protection and monetization - have also voiced serious concerns that there will be a likelihood of material harm without appropriate enhanced safeguards in place. These highly relevant opinions serve as additional evidence of certainty that there will be a strong likelihood of harm. These include public comments³⁸ submitted by:

the Coalition of Online Accountability,³⁹
 the Copyright Alliance,⁴⁰
 International Video Federation,⁴¹
 Independent Film and Television Alliance,⁴²
 International Anti-Counterfeiting Coalition,⁴³
 Entertainment Software Association,⁴⁴
 Association for Competitive Technology,⁴⁵
 International Trademark Association,⁴⁶
 International Federation of Film Producers' Associations,⁴⁷
 Interactive Software Federation of Europe,⁴⁸
 Directors Guild of America (DGA), International Alliance of Theatrical Stage Employees (IATSE), Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA),⁴⁹
 Software and Information Industry Association,⁵⁰
 Verisign,⁵¹
 Austrian Music Industry Association,⁵²
 International Publishers Association,⁵³
 BREIN Copyright Industry Groups,⁵⁴
 Movie Picture Association of America,⁵⁵

³⁸ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/>

³⁹ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfykweBGd8BS.pdf>

⁴⁰ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfZAxxvKEQJa.pdf>

⁴¹ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfxAM0dnfRXf.pdf>

⁴² <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfclY35aSRji.pdf>

⁴³ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfQzqxga0dHw.pdf>

⁴⁴ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdf4pWMCCFexl.pdf>

⁴⁵ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfsdZ3UXTVqv.pdf>

⁴⁶ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdf3aohBbgLsM.pdf>

⁴⁷ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/binCuZ4qkSyLU.bin>

⁴⁸ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/msg00113.html>

⁴⁹ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdf78hhHmpZdv.pdf>

⁵⁰ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdf7ZVPYQsDYZ.pdf>

⁵¹ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfTKBqiN1Eza.pdf>

⁵² <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfqbAFJIXCE4.pdf>

⁵³ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/binYYWrklmmsT.bin>

⁵⁴ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/msg00093.html>

⁵⁵ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdf47Qxs6755F.pdf>



Comcast-NBCUniversal,⁵⁶ as well as ICANN's Business Constituency⁵⁷ and Intellectual Property Constituency.⁵⁸

Another letter⁵⁹ was sent to ICANN to publish these concerns- including the need to incorporate the appropriate governance structure to serve the interests of these communities - by globally-recognized representatives of the Independent Music Community, including the American Association of Independent Music (A2IM) and related affiliates. A2IM's label membership represents 32.6% U.S music industry's sales and a significant portion of global sales (For example, Adele and Taylor Swift - artists signed with A2IM Member Labels Beggars Group and Big Machine respectively - were the two top-selling artists globally in 2012). A2IM Associate Members include Apple iTunes (63% of global digital music sales – a significant portion), Microsoft, Spotify, Pandora and most of the leading legal music digital distributors. The correspondence letter included A2IM affiliates WIN (which represents label creators in over 20 countries), the Association of Independent Music in the U.K, the Independent Music Companies Association (IMPALA) and Merlin Network. Collectively this strictly delineated community with the shared, common interest of “promoting and distributing legal music” constitutes “a significant portion of the music community to which music-themed TLD strings may be explicitly or implicitly targeted” with a clear, formal membership.

Portfolio Applicants for Open, Sensitive Music-Themed Strings Lacked Appropriate Safeguards and Multi-Stakeholder Governance Structure

Unfortunately, all portfolio applicants who applied for open music-themed strings lack appropriate enhanced safeguards and do not have an appropriate governance structure to serve the interests of the community. This includes other music-themed Applications any that were deemed discriminatory, anti-competitive and compromised consumer choice. The Portfolio applicants' lack of appropriate enhanced safeguards for applied-for sensitive, music-themed TLDs of such semantic meaning, nature, popularity and history of abuse is clear evidence that these Applicants are not acting nor intend to act in accordance with the interests of the community or of users more widely. A worrisome indication is the fact that all portfolio Applicants who were Objected to in a Community Objection completely ignored and rejected the Community Objector(s) standing, even though the Objector and Related Objector Entities represented a substantial majority of the music community and ignored the lack of enhanced safeguards and the appropriateness of other suitable policies, including incorporating a suitable multi-stakeholder governance structure serving the interests of the music community. One portfolio Applicant even disingenuously incorporated a Governance Council under its open gTLD application despite the fact that the Council is stuck with their Application's open policies.

⁵⁶ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdf8JGxVYEDZG.pdf>

⁵⁷ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfmAs6qFAMCk.pdf>

⁵⁸ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdfzq5FzsaA92.pdf>

⁵⁹ <http://www.icann.org/en/news/correspondence/bengloff-to-crocker-et-al-06mar13-en>

It is clear any appropriate recommended changes advised by such a Council – such as incorporating appropriate pro-active safeguards relating to name selection, eligibility and use policies – will be futile and not permissible since they would be construed as material changes.⁶⁰

GAC and ICANN New gTLD Program Committee Agree on Safeguards

The ICANN Government Advisory Committee (GAC⁶¹) re-iterates this belief in its April 11th Beijing Communique warning with advice, among other things that:

- a) Sensitive strings (such as music-themed strings) are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm... safeguards should apply to strings that are related to these sectors.⁶²
- b) Incorporate an appropriate governance structure for sensitive strings by establishing a “working relationship with relevant... bodies” and “developing a strategy to mitigate... risks of fraudulent, and other illegal, activities”; and
- c) In those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.⁶³

With these points placed squarely in front of ICANN, the New gTLD Program Committee responded to GAC and accepted this crucially relevant GAC advice⁶⁴ and added Category 1 safeguards.⁶⁵ (emphasis added). GAC has clearly identified music-themed gTLDs as sensitive strings and represent a serious issue of concern. The GAC further noted that opinions of any relevant community - such as the cases brought forward to the ICC in regards to music-themed strings (especially those in a contention set) – are to be strongly taken into consideration. DotMusic agrees with GAC's advice that strings, such as music-themed strings, "are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with

⁶⁰ <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>, AGB §1.2.7

⁶¹ <https://gacweb.icann.org/display/gacweb/About+The+GAC>, “The GAC's key role is to provide advice to ICANN on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. GAC is regularly attended by approximately 50 national governments, distinct economies, and global organizations such as the ITU, UNESCO, the World Intellectual Property Organization (WIPO), INTERPOL and regional organizations such as the OECD, Asia Pacific Forum, and Council of Europe”

⁶² In its Beijing Communique advice to ICANN, GAC has identified music-themed gTLDs (.music, .song, .tunes and .band) as sensitive strings to which enhanced safeguards should apply to,

https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

⁶³ https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

⁶⁴ <https://www.icann.org/en/news/correspondence/crocker-to-dryden-06jun13-en.pdf>, Annex 1, GAC Reg.#5, P.11

⁶⁵ <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm>



consumer harm⁶⁶ and also agree with the U.S Government's warning to ICANN of the high likelihood of scams urging "ICANN to apply new strengthened safeguards."⁶⁷

The Music Community Objectors, ICANN, GAC and U.S Government all agree: Allowing sensitive, open music-themed applications to proceed without appropriate safeguards⁶⁸ and community governance structure will categorically produce material harm especially within the context of the semantic importance, sensitivity and popularity of a music-themed string. DotMusic also agrees with GAC on the appropriateness of Category 2 safeguards for such sensitive strings and urge ICANN to take GAC's advice.

DotMusic has re-iterated these concerns in a Public Comment letter to ICANN and GAC about the issues of piracy, abuse and policies that would appropriately serve the global public interest under these sensitive strings.⁶⁹ It should be noted that our .MUSIC community-based application⁷⁰ surpasses the GAC safeguards and has incorporated the most enhanced safeguards of any .music applicant⁷¹ (or any other applicant that relates to a sensitive string strongly associated to copyright), is inclusive of all legitimate music constituents, who are represented in our rotating, multi-stakeholder governance board, and will continue to develop more technology to further thwart piracy and enable stronger copyright protection. The primary objective of our enhanced safeguards is to improve user experience in terms of providing higher quality, legal music-focused destinations and to ensure that .music becomes a haven for legal consumption where monies flow to the music community not pirates or illegitimate sites.

.MUSIC
<http://music.us>

.MUSIC Supporting Music Organizations
<http://music.us/supporters.htm>

66

https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1365666376000&api=v2

⁶⁷ http://images.politico.com/global/2013/06/26/rockefeller_letter_to_icann.pdf, June 26th, 2013

⁶⁸ http://www.onlineaccountability.net/pdf/2012_Mar06_ICANN_EnhancedSafeguards.PDF

⁶⁹ <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/pdf/tstysBP7f.pdf>

⁷⁰ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>

⁷¹ <https://gtldcomment.icann.org/applicationcomment/commentdetails/11700>

Appendix J

PledgeMusic – The Importance of Music Fans In Today's
Music Marketplace

June 17th, 2014

Dr. Steve Crocker, Chairman of the ICANN Board;
Fadi Chehadé, ICANN President & CEO;
Susana Bennett, ICANN COO;
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;
Heather Dryden, ICANN Chair of Government Advisory Committee; and
Community Priority Evaluation Panel, Economist Intelligence Unit (EIU)

Internet Corporation of Assigned Names and Numbers (ICANN)
12025 E Waterfront Dr, Suite 300,
Los Angeles, CA 90094

Re: The Importance of Fan Engagement in Today's Music Marketplace

When PledgeMusic officially launched more than half a decade ago, the music industry seemed to be balancing precariously at the tip of a rather shaky peak with no one able to confidently predict which way it would fall.

In 2009 Forrester Research reported that music revenues in the US had dropped by half over the past 10 years, spiraling from \$14.6 billion in 1999 to just \$6.3 billion in 2009. The Recording Industry Association of America (RIAA) reported declining revenue in nine of the past 10 years, with album sales falling at an average of 8 percent a year. In 2010, the vice president of research at RIAA told CNN Money, "The industry is adapting to consumer's demands of how they listen to music, when and where, and we've had some growing pains in terms of monetizing those changes."¹

The world had gone digital seemingly overnight and the industry was left reeling and unsure how to respond. While some fought relentlessly for "the way things were," others used the opportunity to look ahead and ask how these changes could potentially improve the way music was experienced and distributed.

PledgeMusic came up with the idea for a direct-to-fan platform realizing that active music fans wanted more participation when it came to music artists' careers. PledgeMusic and its founder, Benji Rogers, landed on a truth that has driven absolutely everything he and PledgeMusic have done since the company's inception: Music fans are the lifeblood of the music industry, and they want to be involved in an artist's entire music development process providing a viable alternative to the traditional music financing, production and distribution model.

¹ http://money.cnn.com/2010/02/02/news/companies/napster_music_industry/

The whole goal of the direct-to-fan model is to help artists directly engage their fans by inviting them into the journey surrounding the artist's career and album releases. The points of engagement have multiplied exponentially through this model, and subsequently so have the streams of revenue. When fans feel engaged - when an artist gives them a *reason* to buy new music rather than just a *way* to buy it – fans don't hesitate to support a release, financially and otherwise.

PledgeMusic, the winner of the prestigious Grammy Music Technology Lab award,² is now the world's largest and most innovative music-focused direct-to-fan community platform, which "looks to change the future of the album release." According to Digital Music News:³

"Aside from being an incredibly specialized platform for musicians, PledgeMusic looks to change the process of recording and releasing an album altogether – bringing fans along for the entire process from the moment the first dollar is raised until the moment they receive the package in the mail."

"Artists who have used PledgeMusic include Ben Folds Five, Mike Doughty, The Hold Steady, Imogen Heap, 311, Tokyo Police Club, Lucinda Williams, The Damnells, Sevendust along with thousands of others."

"With over a half a million people who have pledged, that's around \$32 million total that has been raised on the platform..." "PledgeMusic has helped get 50-60 artists signed to major label deals." (In fact PledgeMusic has teamed with major labels, such as Sony, to launch direct-to-fan campaigns for their artists.⁴)

Through campaigns with artists like Ingrid Michaelson,⁵ Ben Folds Five,⁶ the chart-topping Lindsey Stirling,⁷ Slash⁸ and thousands more, we've watched the direct-to-fan model outperform traditional crowdfunding by 30%, with 40% of people who pledge on one project going on to pledge on another.

Statistically, 87.5% of campaigns have hit their target so far in 2014 and that's just half of the story. The new relationship between artist and fan allows the fan to now become a co-creator and strategic partner.

As the music industry continues to sort itself out in the new landscape, we have witnessed first-hand that the only way forward is to engage the active fan. Then and only then can you look into the future with true confidence – and, from our experience, sheer excitement. The U.S Government has also recognized the critical role active music fans have in the new music

² <http://www.pledgemusic.com/blog/477-pledgemusic-wins-grammy-music-technology-lab>

³ <http://www.digitalmusicnews.com/permalink/2014/01/30/pledgemusic>

⁴ <http://prwire.com.au/pr/35073/pledgemusic-teams-up-with-sony-music-australia-rca-records-bring-me-the-horizon-and-raw-power-management>

⁵ <http://www.pledgemusic.com/projects/ingrid>

⁶ <http://www.pledgemusic.com/projects/benfoldsfive>

⁷ <http://www.pledgemusic.com/projects/lindseystirling> and www.pledgemusic.com/blog/indie-artists-topping-mainstream-charts

⁸ <http://www.pledgemusic.com/projects/slash>

landscape and has started to incorporate new regulations to foster more innovation and engagement from fans to assist in artists' careers.⁹ President Barack Obama signed the JOBS Act in 2012 to accommodate this change.¹⁰

This is why there should not be any eligibility policy that discriminates against legitimate members of the Community, such as active music fans. It would be unfair to exclude them from participation since the future of music is engaging active music fans given the critical role that they play in this new music industry by providing hundreds of thousands of artists a viable alternative to the traditional music financing, production and distribution model.

Respectfully Submitted,

Signature:  _____

Benji Rogers
Founder & President
PledgeMusic
<http://www.PledgeMusic.com>
Email: benji@plegdemusic.com

⁹ <http://www.sec.gov/divisions/marketreg/tmjjobsact-crowdfundingintermediariesfaq.htm> and <http://www.sec.gov/News/PressRelease/Detail/PressRelease/1370540017677#.U59N-FclbO8>

¹⁰ <http://www.gpo.gov/fdsys/pkg/BILLS-112hr3606enr/pdf/BILLS-112hr3606enr.pdf>

Appendix K

Bliss: An Example of Artists Globally That Have An Identical Name



Search Results

Last updated: 2014-06-29 15:10 UTC

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Found 1,488 results for "bliss"

Score	Name	Sort Name	Type	Gender	Area	Begin	Begin Area	End	End Area
100	Bliss (Yonatan Marcow, psychedelic, trance, Israel)	Bliss	Person	Male	Israel				
100	Bliss (Trance artist, released Bliss)	Bliss	Person	Male	United States				
100	Bliss (Hong Kong canto-pop duo)	Bliss	Group		Hong Kong				
100	Bliss (UK yoga/meditation, Lucinda Drayton & Andrew Blissett)	Bliss	Group		United Kingdom				
100	Bliss (UK Goth Metal act, key track "You Spin Me Round" cover)	Bliss	Group		United Kingdom	1996		1999	
100	Bliss (US, Georgia alternative band, xmas rock track "Santa vs Magneto")	Bliss	Group		United States				
100	Bliss (Australian rock band from the late nineties)	Bliss	Group		Australia				
100	Bliss (downtempo/ambient act from Denmark)	Bliss	Group		Denmark				
100	Bliss (Rock group founded in Coventry, UK)	Bliss	Group		United Kingdom				
100	Bliss (60s group, single "Lifetime")	Bliss							
100	Bliss (Greek grunge band)	Bliss	Group		Greece	2000			
100	Bliss (Australian rapper)	Bliss	Person	Male	Australia				
100	Bliss (Belgian trance duo)	Bliss	Group		Belgium				
100	Bliss (unknown trance artist, track "Wind")	Bliss							
100	Bliss (Danish electronic quartet)	Bliss	Group		Denmark				
100	Bliss (Harikesa Swami)	Bliss							
100	Bliss ((Floyd Fisher, Krisco, Maria Nocera))	Bliss							
100	Bliss (Downtempo/world music act from Denmark)	Bliss							
100	Bliss (US rapper aka J Lighten)	Bliss	Person	Male	United States				
100	Bliss	Bliss							
100	Bliss (Desiree, Ascended Masters)	Bliss	Person	Female					
100	Bliss (Canadian pop girl group)	Bliss	Group		Canada				
100	Bliss (Electronic hardcore artist working with Central Rock Records and Bit Music)	Bliss							
99	Bliss (Three-boy band from Manchester, UK)	Bliss	Group		United Kingdom				
97	Bliss (Demoscene composer)	Bliss, Henrik José	Person	Male	Sweden				

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