

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

Re: Support for DotMusic Limited's .MUSIC community-based Application ID 1-1115-14110¹

Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this letter on behalf of the League of American Orchestras² in support of the community-based DotMusic Application for .MUSIC to safeguard intellectual property and serve the legitimate interests of the entire global music community.

The League of American Orchestras leads, supports, and champions America’s orchestras and the vitality of the music they perform. Its diverse membership of approximately 800 orchestras totaling tens of thousands of musicians across North America runs the gamut from world-renowned symphonies to community groups, from summer festivals to student and youth ensembles. The only national organization dedicated solely to the orchestral experience, the League is a nexus of knowledge and innovation, advocacy, and leadership advancement for managers, musicians, volunteers, and boards. Its conferences and events, award-winning *Symphony* magazine, website, and other publications inform music lovers around the world about orchestral activity and developments. Founded in 1942 and chartered by Congress in 1962, the League links a national network of thousands of instrumentalists, conductors, managers and administrators, board members, volunteers, and business partners.³

The purpose of this letter is to confirm our support for DotMusic Limited⁴ (commonly-known as “.MUSIC”) to safely operate the .MUSIC community-based top-level domain under a global music community multi-stakeholder governance model with enhanced safeguards tailored to serving the interests of the global music community, including both commercial and non-commercial stakeholders.

DotMusic’s community definition – a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) – matches the applied-for string since it represents the entire global music community and allows all constituents, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition is similar to the Wikipedia’s “Music Community” definition:

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants. UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes, such as sharing a music culture, norms and subscribing to common ideals related to music... defined...by common values, cohesive norms and interconnected

¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Application ID 1-1115-14110

² <http://www.americanorchestras.org>

³ <http://www.americanorchestras.org/about-the-league.html>

⁴ <http://www.music.us>

*structures to build a community identity...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organizations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions between music creators, their value chain, distribution channel and fans subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*⁵

Our organization supports the positions expressed in the letter⁶ sent to ICANN (on March 5th, 2015) by Victoria Sheckler from the RIAA and on behalf of a global music community coalition representing “over 80% of the world’s music,” and the letter⁷ sent to ICANN (on March 7th, 2015) by Rich Bengloff from the A2IM and on behalf of a majority of a global music community coalition representing a majority of the independent music community, to support the “community” applications for .MUSIC and that “we expect...the community application process...to have meaning and for the community preference criteria (CPE)...to be interpreted thoughtfully, diligently, and in a responsible manner in light of the public interest and with consumer safety in mind ” and for ICANN “to expeditiously implement appropriate changes to address [concerns].” We also support the positions in the letter⁸ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, which expressed their “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

We support the DotMusic application’s copyright protection provisions and Enhanced Safeguards to protect intellectual property, which include:

- Incorporating all of the **RIAA’s recommended copyright protection provisions** that include policies to stop domain hopping, takedown policies in the case of piracy, authorization provisions, permanent blocks, privacy/proxy provision, true name/address mandates and trusted sender complaint policies amongst others;⁹
- Its multi-stakeholder governance structure of fair representation under the .MUSIC Advisory Committee that includes all music constituents represented by the string;
- Restricting “Eligibility” to members of the global Music Community, including incorporating a priority Eligibility registration phase for members of recognized DotMusic .MUSIC-Accredited Music Community Member Organizations (MCMOs). Launching in phases will provide a fair, responsible and non-discriminatory allocation of domains to eliminate cybersquatting of famous music brands and to ensure all music-related rights holders can claim their domains;
- All Community members must identify the music community they belong to and also validate themselves via a two-step phone and email authentication;

⁵ Music Community. In *Wikipedia*. Retrieved December 1, 2014, from https://en.wikipedia.org/wiki/Music_community

⁶ <https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf>

⁷ <https://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf>

⁸ <https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf>

⁹ DotMusic intellectual property and copyright protection provisions, See <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, Q.20 and <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>, Pg. 24, 25, 26 and 27

- Cross-checking all domain registrations with the .MUSIC Globally Protected Marks List (“GPML”) that supersedes any registration phase and protects the names of famous music artists, brands and companies. The GPML also blocks the registration of known music pirate names;
- Mandating “Name Selection” naming conditions to prevent cybersquatting and abusing music-related names by restricting registrants to registration of domains under their name, acronym, “doing business as (D.B.A),” description or mission;
- Restricting “Content and Use” to only music-related legal content and limiting usage on .MUSIC domains to only music-related legitimate activities. Such activities include only allowing music content that is owned, licensed, or otherwise have rights to. Other “Content and Use” restrictions include prohibiting parking pages and the registration of a domain containing an established music brand’s name in bad faith that might be deemed confusing to users and the Music Community;
- Incorporating both proactive and reactive “Enforcement” measures. Proactive measures are taken at the time of registration. Reactive measures are addressed via compliance and enforcement mechanisms and through dispute processes. These include a comprehensive list of investigation procedures, random checks and circumstances in which DotMusic can suspend domain names if its Registration Policies and Enhanced Safeguards are violated e.g. in cases of copyright and trademark infringement; “Enforcement” includes appeals mechanisms which enhance accountability to the Community by providing registrants the opportunity to appeal any .MUSIC domain compliance matter. After notification of a compliance violation, registrants are given the opportunity to appeal and fix the compliance violation; and
- Addressing allegations if domain is not used for legitimate music purposes or otherwise infringes on DotMusic’s Registration Policies. “Enforcement” measures and appeals are provided under the provisions of the music-tailored .MUSIC Policy & Copyright Infringement Dispute Resolution Process (“MPCIDRP”), which includes specific appeals/reconsideration requests heard by the Registry and the “National Arbitration Forum,” the DotMusic-approved independent, alternative Dispute Resolution Provider (“DRP”).¹⁰

We agree that the .MUSIC string must serve the global music community and the global public interest by incorporating music-focused Enhanced Safeguards to serve the community under a .MUSIC community-based string governed by the global Music Community. As members of the ICANN community, we expect that the remaining .MUSIC community application prevails CPE to be able to serve the legitimate interests of the global music community and global public interest, since the applicant has appropriate Enhanced Safeguards and measures to counter copyright infringement and address abuse.

Respectfully Submitted,



Jesse Rosen
President and CEO
League of American Orchestras

April 24, 2015

¹⁰ National Arbitration Forum (“NAF”), The .MUSIC Policy & Copyright Infringement Dispute Resolution Process (“MPCIDRP”), <http://domains.adrforum.com/main.aspx?itemID=2195>. Refer to the DotMusic MPCIDRP document at <http://domains.adrforum.com/resource.aspx?id=2190> for more detail on appeals mechanisms