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VIA E-MAIL

Dr. Stephen D. Crocker, Chair, ICANN Board of Directors
Fadi Chehadé, ICANN President and Chief Executive Officer
Christine Willett, ICANN Vice-President of gTLD Operations
Community Priority Evaluation Panel, Economist Intelligence Unit

Re: Comment by Donuts Inc. on Community Priority Evaluation for DotMusic Limited (.MUSIC), Application No. 1-1115-14110

Dear ICANN and Economist Intelligence Unit (EIU):

Please see the attached comment (with enclosures) from Donuts Inc. concerning the currently-pending Community Priority Evaluation for the above-referenced new gTLD application for .MUSIC. Thank you.

Respectfully submitted,

/dcm/

Don C. Moody
of THE IP & TECHNOLOGY LEGAL GROUP, P.C.
Counsel for Donuts Inc.

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DotMusic Limited Application for .MUSIC: Comment to Community Priority Evaluation

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INTRODUCTION AND BACKGROUND FACTS

This CPE Panel must not allow a single new gTLD applicant to co-opt “music,” a generic term of universal appeal, for a top-level Internet domain that would: (i) stifle the free expression for which music stands; (ii) discriminate against millions with legitimate interests in music and in favor of entrenched institutions willing to pay for “premium” access that the “community” applicant unabashedly offers; and (iii) by operation of section 4.2.3 of the New gTLD Application Guidebook (“Guidebook” or “AGB”), eliminate seven other applicants,¹ all capable, experienced and well-resourced, from competing fairly for the opportunity to operate a .MUSIC domain for the benefit of an Internet-using public that ranges from music creators to consumers and everyone in between. Yet, granting community priority to Application ID 1-1115-14110 (the “Application”) by DotMusic Limited, (a/k/a “Applicant” or “DML” see <http://music.us>) would do exactly that, in contravention of the new gTLD program’s founding principles, the express provisions of the Guidebook by which ICANN and its multiple stakeholders agreed to implement its laudatory goals, and multiple precedents repeatedly and uniformly set by this and other panels evaluating .MUSIC for “community” purposes.

DML has attempted to garner support for a “community” .MUSIC TLD by a “DotMusic Initiative” commenced back in 2005.² Its approach to leading music industry organizations such as ASCAP, NMPA and SESAC was rejected in favor of applicant Far Further.³ Indeed, those who supported Far Further vehemently opposed DML as an applicant of questioned “business tactics” that “aggressively attacked” competitors with “repeated misrepresent[at]ions,” and otherwise conducted itself in a manner “openly hostile” to the “values” of a music “community.”⁴ Although that relevant opposition by a number of these sizable groups still stands – and, as such, automatically takes away two of sixteen possible points in the CPE scoring system – DML continues to press for community priority, needing all fourteen remaining points to succeed. AGB at 4-10. As have others before it, this Panel should find that DML falls well short.

¹ From <https://gtldresult.icann.org/application-result/applicationstatus/viewstatus>, these include Google, Amazon and other “portfolio” new gTLD applicants such as Radix, Top Level Domain Holdings (Minds + Machines), Famous Four and Donuts, as well as Far Further, another community applicant that obtained only 3 of 16 community priority points. <https://www.icann.org/sites/default/files/tlds/music/music-cpe-1-959-51046-en.pdf>.

² See <http://icannwiki.com/.music>; <https://www.linkedin.com/in/constantineroussos>.

³ <https://www.icann.org/en/system/files/correspondence/carnes-to-icann-24sep14-en.pdf>. The linked letter describes the above and other music “alphabet” organizations in greater detail.

⁴ *Id.*

Official Panels Have Consistently Rejected the Notion of a Music “Community.”

Seeking community status from the EIU — which the Panel knows eliminates all competing standard applications, AGB at 4-9 — represents the latest in a long line of efforts by DML to usurp control over the .MUSIC domain and silence those who would use it more widely and appropriately. Through separate organizations represented by its CEO, Constantinos Roussos, Applicant asserted community objections against all seven competing applications.⁵ Applicant itself also raised “legal rights” objections against all seven competitors, claiming “.MUSIC” as its own trademark.⁶ And, through A2IM, Applicant also brought community objections against applicants for all other music-related TLDs such as .BAND and .SONG.⁷

Experts hearing these objections rejected all 17 of them.⁸ Notably, as detailed more fully below, the community objection panels ruled unambiguously that no “community” described by the generic word “music” – or “band” or “song” – does or possibly could exist.⁹

Far Further, a Prior Community Applicant for .MUSIC, Received the Lowest Score to Date of Any CPE.

This Panel already has refused to grant community priority to an applicant for the .MUSIC string. On October 6, 2014, the EIU denied the CPE bid by applicant Far Further, awarding it a mere 3 *points* out of 16.¹⁰ The Panel completely rejected the notion that a distinct “music community” exists – even one specifically tailored to a much more narrow community definition than DML employs in its Application.

Far Further made many of the same arguments that the Applicant makes in its Application. It claimed, for example, widespread industry support from organizations such as RIAA, ASCAP, BMI and the like. It also asserted that operating a .MUSIC TLD as a community would lower the risk of piracy and other intellectual property concerns.

⁵ See <http://newgtlds.icann.org/en/program-status/odr/determination>. Applicant used the American Association of Independent Music (“A2IM”) and International Federation of Arts Councils and Culture Agencies (“IFACCA”) as the vehicles for these objections. *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ See *id.*

⁹ See *id.*

¹⁰ See <https://www.icann.org/sites/default/files/tlds/music/music-cpe-1-959-51046-en.pdf> (“Far Further” case).

After due consideration, the EIU properly gave Far Further zero points for Factor #1 (Community Establishment) and also zero points for Factor #2 (Nexus). Also, like Applicant, Far Further claimed support from music industry players, and while some partial support was acknowledged in that case points were deducted for both support and opposition, resulting in a score of 2 out of 4 for Factor #4 (Community Endorsement). In all, the 3 total points scored by Far Further in the first .MUSIC case represents by far the *lowest* total by any CPE applicant thus far. Due to the many similarities between the two cases, to ensure consistency, fairness and avoidance of discrimination, DML should not even *come close* to the 14 points necessary to pass CPE.

DML Has Attempted Futilely to “Fix” the Same Infirmities in Its Own Application that Proved Fatal for *Far Further*.

Obviously aware of how poorly Far Further fared in CPE, DML tried to “game the system” and buttress its Application by addressing some deficiencies via the “Public Interest Commitment” (“PIC”) process. Far Further objected to the DML submission, and in particular to its more than *300 pages* of “clarification”¹¹ and support for the *2-pages* making up the actual “PIC,” as an improper and untimely attempt by DML to modify its Application.¹² The Board Governance Committee (“BGC”) allowed submission of the PIC and its “clarification” and support materials, although with a disclaimer and making a distinction between the actual “PIC” documents and the additional “clarification” material.¹³ The BGC did so with specific reference to a representation in a separate letter from DML that its “community definition and registration policies remain unchanged” from its original Application.¹⁴

The PIC process allows new gTLD applicants to make additional “commitments” – *e.g.*, undertake certain actions – such as to implement rules for users or to protect the intellectual property or other rights of third parties, for their proposed TLD. The process does *not* permit substantive *revision* of application contents, which requires a change request and ICANN’s separate and specific approval thereof.¹⁵

While an applicant might affirmatively commit to serve “community” members in a certain way, this alone would not affect the community’s *existence*. Either a clearly delineated community exists, or it does not. Similarly, either the term applied for as a

¹¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>.

¹² See <https://www.icann.org/resources/pages/reconsideration-15-6-music-2015-04-21-en>, Recon. Req. 15-6 dated 17 April 2015.

¹³ See BGC decision, <https://www.icann.org/resources/pages/reconsideration-15-6-music-2015-04-21-en>, at 10, 16.

¹⁴ <https://www.icann.org/en/system/files/correspondence/dotmusic-to-bgc-redacted-27apr15-en.pdf> at 2 (emphasis in original); relevant excerpt included as Exhibit A.

¹⁵ See <https://www.icann.org/news/announcement-2-2013-03-05-en> and <https://newgtlds.icann.org/en/applicants/agb/base-agreement-specs-pic-faqs>.

string intersects or has sufficient “nexus” with the identified “community,” or it does not. An applicant’s PICs do not change the string applied for, the meaning people assign to that term, or its “uniqueness” or lack thereof. Further, either the identified “community” supports a particular applicant, or it does not. At most, a PIC could only affect registration policies – the only CPE Factor *under an applicant’s control*.

Here, while DML “commits” to serving its construed community, avoiding discrimination and other aspects, it also affirmatively states that its community definition and registration policies remain “unchanged.” As such, its PICs, the accompanying “clarification” and other supporting documents themselves should have no bearing on the Application’s CPE scoring.

Applicant Has Engaged in a Variety of Aggressive External Efforts to Bolster its Application and Perception of “Community Support.”

Applicant appears to have undertaken or caused several measures that exaggerate the level of support for and/or squelch opposition to its Application, and even to “independently prove” the existence of purported music “community.” In addition to carpet-bombing overreaching objections and submitting PICs with over 300 pages of “clarification” and “support” tantamount to legal briefing, Applicant has issued a public threat of a “greater and opposite reaction” for anyone opposing its CPE efforts.¹⁶

Applicant also has cited a supposedly “neutral” Wikipedia article¹⁷ positing the existence of a supposed music “community,” that was created exactly two weeks after the decision in *Far Further* by a “Dr. Blofield” (a well-known James Bond film character)¹⁸ that conveniently mirrors Applicant’s own materials and descriptions practically verbatim. This has not gone unnoticed by the domain press.¹⁹

Lastly, in July 2015, with Applicant’s CPE invitation imminent, a flood of submissions began to appear on the ICANN CPE public comments page, ostensibly from individual “supporters,” many having common and difficult to verify names, as well as others, such as “Aristos sokratous”²⁰ and one identified merely as “Ed,”²¹ each of which seem almost certainly fabricated. These “comments” contain “support” text pasted in practically word-for-word from the Application, the PIC “clarification” and other

¹⁶ See <https://www.facebook.com/dotmusic?fref=ts>; also screenshot in Exhibit B.

¹⁷ See https://en.wikipedia.org/wiki/Music_community.

¹⁸ See revision history for Wikipedia article at:

https://en.wikipedia.org/w/index.php?title=Music_community&action=history.

¹⁹ <http://domainincite.com/19069-music-applicant-caught-using-bogus-wikipedia-page> (with comments by Applicant immediately following blog post) copy also included as Exhibit C.

²⁰ <https://gtldcomment.icann.org/applicationcomment/commentdetails/12753>.

²¹ <https://gtldcomment.icann.org/applicationcomment/commentdetails/12689>.

Applicant documents,²² and establish no connection whatsoever between the commenter and the “community” described in the Application. To top it all off, Applicant’s lawyer has even posted a comment “Warning of Spurious Obstruction,”²³ essentially telling the EIU and ICANN to ignore timely, relevant opposition and critiquing Applicant’s CPE bid.

Tactics such as the foregoing, along with the great stretch taken by the Application to concoct a “community” from a generic word (as the Guidebook expressly cautions against), should at minimum raise red flags for the Panel. Indeed, Applicant was also called out by many of the same organizations, like the RIAA, ASCAP and Harry Fox, for engaging in highly questionable tactics while competing for the TLD.²⁴

Responsibility for managing an important and widely sought-after string such as .MUSIC is no small task, and one that demands a steward who will not only be trustworthy but also *fair* to everyone who might have a legitimate use for the string, not just those who support it. While Applicant may assert now — while it is seeking a favorable CPE determination — that it will not “discriminate” against any “community” members, actions speak louder than mere words.

Applicant has created a charged environment within which the EIU will evaluate the Application. Whether or not it considers this context, the Panel should easily find by operation of the Guidebook’s objective criteria that the Application cannot come close to achieving community priority.

ANALYSIS:

As the Panel knows, the Guidebook allows it to award up to four points in each of four categories (maximum points in parentheses):

- “Community establishment,” which involves “delineation” (2) and “extension” (2), AGB at 4-10 *et seq.*;
- “Nexus,” meaning both “nexus” (3) and “uniqueness” (1), *id.* at 4-12 *et seq.*;
- “Registration policies,” consisting of “eligibility” (1), “name selection” (1), “content and use” (1) and “enforcement” (1), *id.* at 4-14 *et seq.*; and
- “Community endorsement,” which considers “support” (2) and “opposition” (2), *id.* at 4-18 *et seq.*

²² See also <http://musi.us/comment>.

²³ <https://gtldcomment.icann.org/applicationcomment/commentdetails/12754>.

²⁴ <https://www.icann.org/en/system/files/correspondence/carnes-to-icann-24sep14-en.pdf> at 3.

An application must receive at least 14 points to pass CPE. *Id.* at 4-10. Applying the standards established by ICANN for these criteria, and giving Applicant the benefit of all doubts on each, the Application should earn **no more than 4 of the 16 available points**, one better than the 3 point result in *Far Further*. Of course, a failing score on CPE does not completely defeat the Application; it simply means that the Applicant must compete on a level playing field with all other applicants for the string.

Criterion 1: Community Establishment

A “community” as described in the Guidebook “impl[ies] more cohesion than a mere commonality of interest.” AGB at 4-11. It requires “an awareness and recognition of a community among its members.” *Id.* In many prior CPE cases, this “awareness” dimension itself has prevented the award of any community points.²⁵

The “community establishment” test consists of a “delineation” component worth up to two points, and an “extension” concept also of up to two points. Analyzing these elements in light of prior CPE determinations reveals that the Application fails to “delineate” a community clearly. Rather, it appears to have *construed* a “community,” where none knowingly existed previously, to manufacture community priority.

Applicant Defines Its Community So Broadly and Vaguely as to Defy Delineation, Organization and Conscious Pre-Existence of a “Community,” and Should Receive No Points as in *Dadotart*, *Far Further* and *Dot Registry*.

In order to score a full two points for the “delineation” aspect of the “community establishment” factor, an application must present a “clearly delineated, organized and pre-existing community.” AGB at 4-10. An application that fails to show “organization” can get no more than a single point, while a lack of adequate delineation and pre-existence results in zero. *Id.* The Application currently under review reflects neither organization nor sufficient delineation and pre-existence to merit any points.

As *Far Further* and *Dadotart* establish, an application showing no one entity representing all aspects of the “community” as defined cannot satisfy the “organization” element.

As noted by the Panel in *Far Further*, “[a]n ‘organized’ community, according to the AGB, is one that is represented by at least one entity that encompasses the *entire community as defined by the applicant*.”²⁶ As a simple example, an applicant for a string

²⁵ See, e.g., <https://www.icann.org/sites/default/files/tlds/llc/llc-cpe-1-880-17627-en.pdf> at 3; <https://www.icann.org/sites/default/files/tlds/art/art-cpe-1-1097-20833-en.pdf> at 2; <https://www.icann.org/sites/default/files/tlds/music/music-cpe-1-959-51046-en.pdf> at 2. These CPE determinations are referred to herein by the names of their respective applicants, *Dot Registry*, *Dadotart* and *Far Further*.

²⁶ *Far Further* at 4 (emphasis added).

such as .MORMON could point to “at least one entity” – the Church of Jesus Christ of Latter Day Saints – as representing the community and its broad array of activities.²⁷

For the string .MUSIC, however, this Panel previously could find no such single entity, despite an applicant having identified a few dozen constituent organizations well delineated in themselves. That list, the EIU observed, “does not include an organization that represents the entire proposed community,” such that the “organization” element had not been established. *Far Further* at 4.

In *Far Further*, the applicant at least tried to limit its “community” to “members” traditionally associated with the “music business.”²⁸ The Application here, however, defines its “community” much more broadly, such that an “entity” that “encompasses” must cover many other groups in addition to those in *Far Further*, such as “music therapists,” stores, accountants, lawyers, “recreation establishments” and even “music fans” all over the world.²⁹ It also should have truly *global* reach, as music does not limit itself to any one country.³⁰

The application in *Dadotart* involved a similarly broad community definition, including not only “groups of individuals and legal entities who identify themselves with the Arts,” but also “art supporters.” This Panel held that no single entity could encompass such a collective. *Dadotart* at 4.

The Application in this case identifies no entity that encompasses the entire “community,” which it defines much more broadly than in *Far Further* and as sweepingly as in *Dadotart*. *A fortiori*, the same lack of “organization” exists here. As such, *one* of the two available “delineation points *must* be deducted. AGB at 4-10.

As in *Far Further*, Applicant’s “community” has not “pre-existed” in terms of “members” coalescing together as a community prior to 2007.

The Application refers to organizations within the proffered community which themselves may have existed prior to 2007, the relevant date for CPE. Yet, nothing in the Application demonstrates that these many and varied “community” members have acted collectively with each other as a single cohesive unit prior to that date. As this Panel already has concluded regarding the same posited “music community” members:

[T]he fact that each organization was active prior to 2007 does not mean that these organizations were active as a community prior to 2007, as required by the AGB Guidelines. That is, since those organizations and their members do not themselves form a cohesive community as defined

²⁷ <http://www.lds.org>.

²⁸ *Far Further* at 2-3.

²⁹ Applic. § 20(a).

³⁰ See, e.g., <https://www.musicianswithoutborders.org>.

by the AGB, they cannot be considered to be a community that was active prior to 2007.

Far Further at 4. The absence of any showing of historic *collective* activity among disparate “members” precludes a finding of “pre-existence” and, as shown below, “delineation” as a cohesive *community* as contemplated by the Guidebook. This compels the Panel to issue a score of zero on this half of the 4-point “community establishment” test. AGB at 4-10.

Just like “art” and similarly generic terms, “music” describes a subject of universal appeal that cannot and does not *define* a “community.”

“‘Delineation’ relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low.” AGB at 4-11. The “Music Community” named in the Application, § 20(a), incontrovertibly falls into the latter category.

The Application describes the Music Community as a “logical alliance” of many different communities that “relate to” music.³¹ It describes each as “being structurally organized” under North American and UN “Industrial Classifications.” *Id.* It goes on to list a host of otherwise unrelated categories of people, which it seeks to link by the common subject of music and to ascribe organization by referring to specific industrial classifications; these include “musical groups and artists,” music, lawyers, accountants, educators, stores, archives and libraries, music “recording industries” and “distributors, promoters & record labels,” “audio engineers,” “music fans/clubs” and even “music therapists.” *Id.*

This description misleads, attempting to create a community where none exists. First, it misrepresents the “industrial classifications,” of which only a small part relate to music.³² Second, it fails to show any cohesion among the disparate groups, such that their distinct members recognize themselves as belonging to a larger community that includes constituents of each of the other groups. See AGB at 4-12.

Most significantly, though, such a wide-ranging definition could reasonably include anyone who ever has sung in the shower, drummed fingers on a desk, attended a live concert, or listened to a song on the radio. This does not identify a discrete

³¹ The “logical alliance” language appears at page 4-12 of the Guidebook, but in terms of linking “communities of a similar nature,” not groups that have distinct competencies under a sweeping subject-matter umbrella.

³² Exhibit D hereto sets forth the descriptions and industrial classifications listed in the Application, and compares them to the official North American or United Nations Industrial Classifications, revealing that most of the classifications characterized by the Applicant as pertaining to music in fact do not specifically so relate.

“community” of individuals or groups, but instead represents the vast majority of *human beings on planet Earth*.

Panels have consistently held that a generic term such as “music” does not fit within the concept of “community.” For example, the same party behind DML objected to every other application for .MUSIC on community grounds, and was soundly rejected each time. This CPE Panel has recognized the same lack of cohesion as to other community applications that attempt to co-opt such broad, generic terms. As to both .ART and another community application for .MUSIC, this Panel has aptly noted:

The application materials ... provide no substantive evidence of what the AGB calls “cohesion” – that is, that the various members of the community as defined by the application are “united or form a whole” (Oxford Dictionaries).³³

Moreover, in both *Dadotart* and *Far Further*, this Panel considered publicly accessible information regarding groups claimed to comprise the respective alleged communities, and found that the organizations considered “do not show an awareness or recognition of the several other segments of the applicant’s proposed community, whether by way of interaction or an explicit statement of cohesion.”³⁴ Doing likewise here, the Panel similarly will find such awareness, recognition and cohesion lacking.³⁵

The Guidebook buzzwords with which DML has littered its Application do not change the reality that it simply does not and cannot “delineate” a “community” by substantive Guidebook standards. As mentioned, Applicant propounds a community where none truly exists via reference to independent “authority” – which likewise never previously existed – such as a Wikipedia article purporting to define a so-called “music community.”³⁶ The Panel should know that *anyone*, including Applicant, can make Wikipedia articles and edits. The Panel should note particularly that this “article” was

³³ *Dadotart* at 2; *Far Further* at 2.

³⁴ *Id.*

³⁵ The Application identifies or claims support from numerous organizations whose websites fail to show recognition and awareness of other alleged supporters as part of the proffered “community.” See, e.g., <http://www.ascap.com/about> (referring to the group’s members – “creative people who write the music and lyrics that enrich lives” – but not to other alleged community members); <http://www.ascap.com/benefits> (identifying insurance, car rental and other benefits for ASCAP members, but not networking opportunities with other “community members” such as audio engineers, music business and management consultants or music therapists).

<http://www.musictherapy.org> and <http://www.musictherapy.org/members> (not including other music “community” members as “resources” to music therapists). The Panel could pick any number of organizations from the Application or those who claim to support it and find similar insularity in their public information and resources.

³⁶ See https://en.wikipedia.org/wiki/Music_Community.

created on October 21, 2014, two weeks *after* the EIU's *Far Further* decision was issued.³⁷

Applicant's "community" definition is "unclear, dispersed or unbound" rather than "clear and straight-forward." It thus has earned a "low" score – namely, zero points – for the first subfactor. See AGB at 4-11; Guidelines at 4.

The Limits of the Alleged "Community" Do Not Allow an Award of Both "Extension" Points.

"Extension" relates to "the dimensions of the community, regarding its number of members, geographical reach, and foreseeable activity lifetime" – in other words, "size" and "longevity."³⁸ These concepts are not examined in the abstract, but rather in the specific context of the proffered community and its definition.³⁹

As in *Far Further* and *Dadotart*, the Panel judges the "size" of the "community" by its members' awareness of their status as such.

"[T]wo conditions must be met" for the "size" subfactor: "the community must be of considerable size and must display an awareness and recognition of a community amongst its members."⁴⁰ DML may view its membership as quite large, both in number and geographic reach. However, these various "members" of the "community" would have little, if any, awareness or recognition that they are part of any singular group *with each other*.⁴¹ Due to this reality, the Panel in *Far Further* could not find the "size" criterion satisfied and granted zero points.

The logic is more compelling in the context of the even wider net that DML seeks to cast, extending to anyone in the world who thinks of herself as a "music fan." Applic. § 20(a). In *Dadotart*, this Panel noted that a community definition including "art supporters" could encompass such disparate and completely unrelated groups as "audiences, consumers, and donors. They may be associated with art, but they are not identified by the word art as are artists and art organizations." *Dadotart* at 5. A hairstylist who attends a Lady Gaga concert is just that – a person who *cuts hair*. He has nothing to do with "music" other than as a listener, and belongs to a "community," if at

³⁷ See https://en.wikipedia.org/w/index.php?title=Music_community&action=history; and <http://domainincite.com/19069-music-applicant-caught-using-bogus-wikipedia-page>.

³⁸ See Guidelines at 5-6.

³⁹ *Id.*

⁴⁰ *Dot Registry* at 3.

⁴¹ The Rolling Stones would consider themselves musicians, while a piano instructor (a "music educator") would view himself as a *teacher* more than anything else. Similarly, a "music therapist" likely would have more in common with psychiatrists, marriage counselors or even hypnotists than with the Rolling Stones.

all, only with *other hairstylists* – *not* with musicians, performing rights societies or instrument manufacturers. Thus, although DML defines a large “community” numerically and geographically, it cannot pass the “size” analysis because its “members” lack awareness of cohesion among all of them.

As in *Far Further* and many other CPEs, the music “community” lacks “longevity” and has been “construed” as a means to obtain priority.

Where members lack recognition and awareness of each other as part of a community, as shown above, the “community” is merely “construed” and cannot have sufficient “longevity” because it does not “exist” (at least in terms of CPE).⁴² That is, a community that does not exist in the first place cannot be considered likely to *continue* on into the future.⁴³

The Guidebook establishes stringent community scoring criteria expressly to avoid “false positives” – *i.e.*, “awarding *undue priority* to an application that refers to a ‘community’ **construed** merely to get a *sought-after generic word* as a gTLD string.” AGB § 4.2.3 at 4-9 (emphases added). This Panel has previously so viewed a .MUSIC community application:

[T]his application refers to a proposed community construed to obtain a sought-after generic word as a gTLD. Moreover, [applicant] appears to be *attempting to use the gTLD to organize the various groups* noted in the application documentation, *as opposed to applying on behalf of an **already organized and cohesive** community*. As previously stated, the community as defined in the application does not have awareness and recognition among its members. Failing this kind of “cohesion,” the community defined by the application does not meet the AGB’s standards for a community. Therefore, *as a **construed** community*, the proposed community *cannot meet the AGB’s requirements for longevity*.

Far Further at 5 (emphases added). *See also Dadotart* at 4-5 (finding .ART “a construed community” that “is not a community according to the AGB,” and which “precludes the possibility of it having longevity”).

As discussed, the music “community” averred by DML is more dispersed than that in *Far Further* and analogous in scope to the “art community” at issue in *Dadotart*. The latter claimed to include many “art-related” groups, including musicians, as well as “art supporters” from all walks of life. This Panel deemed the *Far Further* and *Dadotart*

⁴² See <https://www.icann.org/sites/default/files/tlds/taxi/taxi-cpe-1-1025-18840-en.pdf> (*Taxi*) at 2-3.

⁴³ *Id.*

communities as “construed” and lacking in longevity, just as the one at issue here should be.

CPE evaluators routinely award “low” scores – such as the zero points given to Far Further – to “construed” communities.⁴⁴ This Panel should have little difficulty finding likewise here. Applicant should score ***zero points out of four*** for Criterion #1. As 14 points out of 16 are needed to pass CPE, Applicant can only obtain a maximum score of 12 points, assuming that it receives a *perfect score on all other factors* (which it will not). Therefore, the Application must fail.

Criterion 2: Nexus

Criterion 2 requires a “nexus” between the asserted community and the applied-for string. AGB at 4-12. The 4-point test consists of a “nexus” factor, worth zero, two or three points, and a “uniqueness” score of zero or one. An application must score at least two points for “nexus” in order to obtain a point for “uniqueness.” See AGB at 4-14. DML, as shown below, merits no points for either facet.

The Application, Like Many Others Before It in this Forum, Cannot Earn the Available Three “Nexus” Subpoints.

The three points available under this subtest may be awarded *only* as follows:

- 3 points: The string *matches* the name of the community or is a well-known short-form or abbreviation of it;
- 2 points: String *identifies* the community, but does not qualify for a score of 3;
- 0 points: String nexus does not fulfill the requirements for a score of 2.

AGB at 4-12 to 4-13; Guidelines at 8-9. Here, the string .MUSIC neither “matches” nor “identifies” a music “community,” and therefore can earn no points at all.

“Match,” for purposes of CPE, sets a very high standard that the Application, as that in *Dadotart*, cannot and does not meet.

As the Guidebook makes clear, “‘match’ is of a higher standard than ‘identify,’ and means ‘corresponds to’ or ‘is equal to.’” See Guidelines at 7. Applicant’s extremely broad, virtually unintelligible “community” encompasses virtually all of human society.⁴⁵ “[T]he word [‘music’] will not stretch that far” to “match” the “community” that has essentially no bounds, and consists of such a vast number of “members” as separate

⁴⁴ See <https://www.icann.org/sites/default/files/tlds/immo/immo-cpe-1-1000-62742-en.pdf> (“IMMO”) at 2-3 (in addition to *Far Further* and *Dadotart*).

⁴⁵ See <http://newgtlds.icann.org/sites/default/files/drsp/24feb14/determination-1-1-1680-18593-en.pdf> ¶ 27.

and diverse as musicians, agents, producers, accountants, technicians, therapists, fans and others.⁴⁶

“Music” is an amorphous and ephemeral concept that does not describe, and certainly does not uniformly define, the many and distinct persons and entities with an interest or involvement in that subject. To “match” the wide variety of groups referred to by Applicant, one would need to add qualifying labels — such as “music *teacher*” or “music *critic*” or the like. However, DML does not claim to act solely on behalf of such more defined groups, or apply for strings such as .MUSIC-TEACHER or .MUSIC-CRITIC, or other unambiguous identifiers,⁴⁷ which genuinely “match” them. To the contrary, Applicant attempts to gather as many people as it can think of with even the most tangential relationship to “music” into its purported “community,” causing the Application to collapse under the weight of its own ridiculously broad standard.

In *Dadotart* as well, the applicant for .ART tried to stuff a host of different creative activities into its broad community definition of “art” – including theatre, dance, literature, “interactive media” and even “music.” This Panel found no “match” between the string .ART and the alleged community, as the names of all its individual parts could not equate with the generic word.⁴⁸

The single word “music,” like “art,” cannot “identify” — i.e., “closely describe without substantial overreach” — a community of musicians, engineers, accountants, “fans” and others.

Short of a “match” between the proposed community and the applied-for string, Applicant fares no better even with a more relaxed standard like “identify,” without substantial overreach. The Application specifically includes “music fans/clubs,” namely those who support music-related activities, in its community definition. The *Dadotart* Panel found that the string .ART did not “closely describe” a community comprising both “artists” and “supporters” of art.⁴⁹ Not only was the “supporters” label itself vague and difficult to define; it would specifically include people having nothing at all to do with “art,” such as “audiences, consumers, and donors.” As discussed above, someone who flies planes and happens to enjoy Taylor Swift music would not be “closely described” by the word “music.” This person is a *pilot*, not a “member” of a *music* “community.”

The Application under consideration directly implicates the EIU’s own cautionary example, in that Applicant attempts to capture a “wider geographic or thematic remit

⁴⁶ *Id.*

⁴⁷ See, e.g., www.JustABunchOfRoadies.org.

⁴⁸ See *Dadotart* at 2.

⁴⁹ See *Dadotart* at 5.

than the community actually has.”⁵⁰ Aside from the heavy geographic – namely U.S.⁵¹ – focus apparent in the Application, the Panel should also consider whether the .MUSIC string identifies a “wider or related community of which the applicant is a part, but is not specific to the applicant’s community.” Guidelines at 8. Such qualification protects against an opportunist “hijacking” an everyday dictionary word like “music” and then “construing” a “community,” appointing itself as “gatekeeper” thereof, and excluding others who could have legitimate uses for it. See AGB at 4-9.

DML, a domain-name company formed specifically to apply for .MUSIC, tries to do *exactly that* here. Consistent with the Guidebook’s limitations on community “reach,” the Application does not “identify” a community and should not receive the two points otherwise available for doing so.

Generic Terms Such as “Music” and Art” Cannot Earn the Sole Point Available for “Uniqueness.”

The “uniqueness” subfactor “relates to the meaning of the string.” See <http://www.icann.org/en/topics/new-gtlds/summary-analysis-agv3-15feb10-en.pdf> at 65. Put simply, is the string a truly *unique* word that has no other significant meaning beyond referring to the community asserted by the applicant?

A point for uniqueness requires “that the string does identify the community, *i.e.*, scores 2 or 3 for ‘Nexus,’ in order to be eligible for a score of 1 for ‘Uniqueness.’” AGB at 4-14. Since, as discussed, the Application here does not and cannot merit three or even two points for the “nexus” subfactor, the rules bar it from consideration for a “uniqueness” point. See Guidelines at 9; *see also Far Further* at 6.

Even setting aside that bright line prohibition, however, the Application still should not earn a uniqueness point, as that can occur only where the applied-for string has “no other significant meaning beyond identifying the community described in the application.” See AGB at 4-13; Guidelines at 9.

To be an unambiguous identifier, the “ideal” string would have no other associations than to the community in question. This arguably can be achieved by using the community institution abbreviation as string, but there are other possibilities—for example, by putting a prefix or suffix on a generic string to make it distinctly and uniquely associated with the relevant community (again for example, prefixing “boy” to “scouts” for the community of boy scout organizations, or suffixing “growers” to “apple” for the associations of apple growers).

⁵⁰ See Guidelines at 7.

⁵¹ Even Applicant’s own homepage address, <http://music.US>, belies its overwhelmingly North American footprint.

<http://www.icann.org/en/topics/new-gtlds/agv1-analysis-public-comments-18feb09-en.pdf> at 103. ICANN has thus put the necessary balancing in the hands of applicants. Does an applicant select a popular, well-recognized term that — like .SCOUT or .SCOUTING — that may “closely describe” the community at issue, but also has other meanings that widen its appeal? Or does the applicant select a more unique and specific community name, such as .BOY-SCOUTS-OF-AMERICA? The latter may deserve a scoring point, whereas the former most assuredly does not.

Of the four total points available for “nexus” and “uniqueness,” the Application should, just like Far Further, earn ***zero points out of four*** for Criterion #2. A term like “music” is not unique — far from it in fact — and cannot “match” or even “closely describe” Applicant’s impermissibly broad community definition.

Criterion 3: Registration Policies

“Registration policies” represent the conditions that the registry will set for prospective registrants — *i.e.*, those desiring to register second-level domains. A community application will receive one point for each of the four following policies:

- Eligibility restricted to community members (a largely unrestricted approach to eligibility receiving zero points);
- Name selection rules consistent with the articulated community based purpose of the applied for gTLD;
- Rules for content and use consistent with the articulated community based purpose of the applied for gTLD; and
- Specific enforcement mechanisms (including avenues for appeal).

See AGB at 4-16; Guidelines at 11-15. The restrictions and corresponding enforcement mechanisms proposed by an applicant should show an “alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.” See Guidelines at 12; see also *IMMO* at 5.

The Application Imposes No Meaningful Eligibility Restrictions.

Applicant places only very limited restrictions on eligibility for second-level registrations, and accordingly a point must be deducted here. In fact, when considering the board array of constituencies claimed by Applicant as making up his “community,” the lack of such restrictions makes perfect sense.

In this respect, however, DML stands in plain contrast to the other .MUSIC community applicant, Far Further, which received only 3 of 16 scoring points but the full point available for eligibility restrictions. DML purports to speak on behalf of not only recording labels, rights organizations and the like, but also highly dispersed and

unorganized groups like “music fans,” whose membership is extremely difficult, if not impossible, for anyone to verify independently.

Obviously aware of this inconsistency, yet seemingly intent on keeping the .MUSIC domain “open” to as many potential registrants as possible, Applicant *does* place *some* limitations on “eligibility” for .MUSIC names, but only during the *preliminary phases* of the launch, namely during the “sunrise” and “landrush” periods of the following registration phases:

- Sunrise launch during which only trade and service mark holders can apply for .MUSIC domains corresponding to their marks;
- Landrush launch for registration by music Community Member Organizations (“mCMOs”) “accredited” by DML;
- Landrush phase for those in the “Music Community” who wish to secure “premium” .MUSIC domain names, with conflicts resolved by auction; and
- General availability to Music Community members, “first come, first served.”

Applic. §§ 20(c), (e). The Panel should pay particular attention to the above “fourth and final phase” of Applicant’s launch. Since “Music Community members” include any “music fan,” this eligibility “restriction” in reality imposes absolutely no limitation on eligibility at all.

First Lady Michelle Obama, for example, known as a Beyonce “fan” along with her daughters,⁵² could theoretically register POP.MUSIC, SOUL.MUSIC or R-&-B.MUSIC. Hall-of-Fame basketball player and ESPN sports analyst Bill Walton, a lifelong fan of The Grateful Dead rock band,⁵³ could conceivably register BE-A-DEAD-HEAD.MUSIC or even PSYCHEDELIC-ROCK.MUSIC. Michelle Obama is the *wife of the U.S. President*, not thought of as a “musician,” “record label,” “music producer” or other plausible music “community” member. Similarly, Bill Walton is a *basketball player*, and he may have never played a musical note or worked in the “music business” in his entire life, just as members of the Grateful Dead never played for the Boston Celtics or covered a basketball game on television. The Application’s proposed eligibility requirements allow such absurdities to occur continually and unchecked.

A community applicant cannot “have it both ways,” pretending to restrict its TLD to a single, distinct group while maintaining the flexibility to offer registrations to the vast majority of the human population. This sort of “gaming the system” does not show true concern for any “community.” Instead, it unveils the Applicant as an *opportunist*,

⁵² <http://www.politico.com/blogs/click/2013/07/michelle-obama-attends-beyonce-concert-168701.html>.

⁵³ <http://ftw.usatoday.com/2015/07/bill-walton-grateful-dead-tour-twitter>.

trying to fool the Panel and ICANN into believing that it is something that it is not for purposes of obtaining dispositive priority over many worthy competing applicants.

Applicant could have changed its approach, having obtained what amounts to a “do over” from ICANN in the form of a public interest commitment (“PIC”) process giving it an opportunity to offer changes to its proposed registration policies. While the legitimacy of many Applicant’s “PIC” submissions seems highly questionable, it merits noting that Applicant did nothing to try and limit the scope post-landrush registrations to “accredited,” verifiable “MCMOs.” To the contrary, though, it stated quite clearly:

[Applicant] would like to align itself with ICANN’s staff’s position and reaffirm that the Community Definition and Registration Policies stated in the Application remain unchanged.⁵⁴

Applicant made a conscious decision, both when drafting its original Application and later deciding what to include in its PIC submissions. It perceived the flexibility to broaden its potential registration base as important enough to assume the risk that it might have points deducted for lack of meaningful restrictions, which should happen.

The name selection and content/usage restrictions in the application include vague definitions potentially vulnerable to abuse.

The Application does include at least a brief mention of proposed “name selection” and “use” rules, though these mostly pertain to preventing intellectual property infringement, such as illicit music copying and cybersquatting. However, ICANN already requires new gTLD applicants to “comply with the law” and avoid allowing misuse of well-known brands and infringement of intellectual property. As such, DML does not distinguish itself from standard applicants so as to receive a point toward *community* priority over such *standard* applicants.

The real issue here stems from another proposed limitation, namely that users may register only “music-related” domain names and use them solely for “music-related” activities.⁵⁵ While seemingly “tailored” at first glance, the universal nature of the word “music” allows for “legal” uses that in fact have nothing to do with music. Are the examples given above “music-related”? For that matter, what place is it of the Applicant, a small domain name company created for purposes of this CPE bid, to say what is “music-related” and what is not? The ambiguity inhering in a term as “loose” as “music-related” should deprive Applicant of at least one if not the full two points otherwise available for “name selection” and “content/use restrictions.”

⁵⁴ <https://www.icann.org/en/system/files/correspondence/dotmusic-to-bgc-redacted-27apr15-en.pdf> (underlining in original).

⁵⁵ See Applic. 20(e).

Enforcement Procedures Fall Short of the Detail Required for a Full Point.

Awarding a full point for enforcement requires specificity, and a “coherent set” of measures closely tied to the stated community purpose. See AGB at 4-16. As mentioned, while Applicant does propose some measures, mostly tied to reducing copyright infringement and cybersquatting, ICANN already requires registries, and registrars who obtain domain names through them, to comply with applicable laws, including protecting the intellectual property rights of third parties.⁵⁶ In fact, except for its “verification” role to ascertain whether or not someone is an “accredited” MCMO — which has no comprehensible meaning in the case of music “fans” — Applicant’s “enhanced safeguards” do not differ materially from those proposed by other .MUSIC applicants such as Far Further, Google, Amazon or Donuts.

As to an “appeals” process, the word “appeal” never appears in the original Application, which Applicant has stated “remains unchanged.” Rather, Applicant likely just saw that a number of other CPE bids lost a point for failing to adequately address “appeals” and frantically worked this into its eleventh hour PIC submission.⁵⁷ It should be noted however, that other CPE applicants —including Far Further —who lost points for Registration Policies did not have the benefit of this late “do over,” and it is therefore up to the Panel to decide whether to award full points for a half-hearted attempt at fixing things after the fact based on information not available to the previous applicant, if for no other reason than simple *fairness* and *avoidance of discrimination*.

While Far Further scored a mere 1 point for Factor #3, the Panel could chose to award a similar score. However, even giving Applicant the fullest benefit of all doubts on Name Selection, Content/Use (which Far Further scored zero on), and when considering the very late and haphazard addition of “appeals” via the PIC process, the Application should still score no more than ***two points out of four***.

Criterion 4: Community Endorsement

The “Community Endorsement” criterion looks at both “support” and “opposition” from the various community constituencies. An application can score up to two points for each subfactor.⁵⁸ Support and opposition will be scored in relation to the communities explicitly addressed as stated in the application, with due regard for the communities implicitly addressed by the string.⁵⁹

⁵⁶ See <http://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-09jan14-en.htm> ¶ 2.8; <https://www.icann.org/resources/unthemed-pages/raa-2001-05-17-en> ¶ 3.7.

⁵⁷ See <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>.

⁵⁸ See AGB at 4-17.

⁵⁹ *Id.*

Applicant Fails to Show “Majority” Support in Many of Its Identified Community Categories, with Some Having No Evidence of Support at All.

For the “support” subcriterion, an applicant must show that it “is, or has documented support from, the recognized community institution(s)/member organization(s) or has otherwise documented authority to represent the community.”⁶⁰ The “documented support” must represent, at minimum, a “majority of the overall community addressed” in order to score 2; documented support from “at least one group with relevance” may allow a score of 1, but does not suffice for a score of 2.⁶¹

Applicant is not the “recognized” community institution or organization, as no single entity could encompass such a broad and diverse aggregation.

As a threshold matter, DML does not claim to be the “recognized community institution or member organization” for the groups it purports to represent. As discussed above, Applicant is simply a *domain name company*, formed in the mid-2000s specifically to apply for the .MUSIC top-level domain. Applicant’s core services – *i.e.*, domain name registration – has more in common with an organization like GoDaddy than a record label or a jazz musician.⁶² Moreover:

A recognized community institution or member organization is one which not only (1) represents the *entirety of the community as defined by the application* (in all its breadth of categories as described in Delineation), but is also (2) recognized by the same community as its representative. No such organization among the applicant’s supporters demonstrates the kind of structure required to be a “recognized” organization, as per AGB guidelines.⁶³

Accordingly, Applicant itself does not and could not represent the “community” as described in its Application.

Applicant’s “documented support” does not represent a “majority” of the “overall community addressed.”

Since Applicant is not the “recognized” community institution, it must therefore rely on documented support from a “majority of the community addressed” in order to

⁶⁰ *Id.* at 4-18.

⁶¹ *Id.*

⁶² See www.GoDaddy.com.

⁶³ See *Far Further* at 8.

score a full 2 points.⁶⁴ To accomplish this, Applicant relies upon third party letters and public comments characterized as endorsing the Application.⁶⁵

The Panel should note⁶⁶ that many of the same groups who originally supported co-applicant Far Further have now simply *added* DML as a *second* community application that they chose to endorse after the earlier .MUSIC bid was denied.⁶⁷ Some of these entities had gone so far as to affirmatively *oppose* DML's Application initially.⁶⁸

The Panel should consider whether it should accept as credible the "support" of those who so vehemently opposed the Application previously. Regardless, Applicant here can fare no better than in *Far Further*. This Panel concluded in that case that the applicant – with RIAA, ASCAP, Harry Fox and many of the same organizations DML cites in its camp – had no "majority," but simply had "documented support from at least one group with relevance" and deserved no more than 1 point out of 2.⁶⁹ Because it asserts a much broader community than in *Far Further*, encompassing not only the recording industry but also "music fans" and many others extending essentially to "all of mankind" in the view of one panel,⁷⁰ DML *a fortiori* can earn no more than one "support" point.

The Panel should scrutinize closely Applicant's "support" materials.

The Panel has discretion to determine which of Applicant's "support" should be considered "relevant" for purposes of CPE. While Applicant appears to offer up a large *quantity* of documents, the *quality* of these items is not always consistent.⁷¹

⁶⁴ See AGB at 4-18; Guidelines at 18.

⁶⁵ See <https://www.icann.org/resources/pages/correspondence-2012-09-24-en>; <https://gtldcomment.icann.org/applicationcomment/viewcomments>.

⁶⁶ For purposes of clarity, the Panel may view the following diagram, which details some of the entities that supported Far Further, those that support DML, some that have supported both, and other constituencies or organizations whose support is not clear: <http://www.donuts.domains/images/pdfs/music-support-diagram.pdf>.

⁶⁷ See, e.g., Letter from RIAA to ICANN dated May 12, 2015 at 2: "Accordingly, we support this applicant (in addition to our support for the other community priority applicant for .music)." <https://www.icann.org/en/system/files/correspondence/marks-to-crocker-chehade-12may15-en.pdf>.

⁶⁸ <https://www.icann.org/en/system/files/correspondence/carnes-to-icann-24sep14-en.pdf>.

⁶⁹ See *Far Further* at 1.

⁷⁰ See <http://newgtlds.icann.org/sites/default/files/drsp/24feb14/determination-1-1-1680-18593-en.pdf> ¶ 27, among other rulings denying .MUSIC community objections. <http://newgtlds.icann.org/en/program-status/odr/determination>.

⁷¹ They certainly are not consistent geographically or by subject matter. Applicant's professed support for a domain of admittedly global appeal comes largely from a few

Take, for example, the “support” letter from SESAC,⁷² a performing rights society based in Nashville, Tennessee.⁷³ While Applicant touts SESAC as affirmatively “supporting” its CPE bid,⁷⁴ its letter, when viewed closely, is qualified and largely ambivalent. It includes certain catch-phrases appearing in the Application (*e.g.* “enhanced safeguards” and “Music Community Member Organization”) but never mentions DML specifically. Verification is needed to confirm SESAC’s current position.

Applicant describes another letter as coming from “EchoNest/Spotify” in 2012.⁷⁵ At that time, however, Spotify had not yet acquired EchoNest.⁷⁶ Absent evidence of ratification by Spotify, the Panel should consider this expression of support to come solely from EchoNest.

The Panel should also consider that the vast majority of “public comments” appearing on the ICANN CPE page are likely of dubious validity. First, they do not appear to be from a “group of non-negligible size” and should be considered not “relevant” for CPE on that basis alone. Aside from that, however, the submissions often do not include any information about the status of the person(s) offering them, typically having an affiliation listed only as “self,” or left entirely blank, while repeated pasting in the same text that quotes Applicant’s own materials practically verbatim. Many, in fact, appear obviously made up, such as an August 5, 2015 from an “Aristos sokratous” who happens to bear the names of two of the most famous ancient Greek philosophers.⁷⁷ The Panel certainly should consider whether “comments” may have been falsified deliberately to exaggerate the level of support.⁷⁸

This is, of course, not to say that each and every item of “support” submitted by or on behalf the Applicant is irrelevant or should be discounted. Some of the endorsements may very well represent a genuine belief that Applicant is most deserving of the string. All that it means is the Panel should be vigilant in its examination and

large countries. And, out of dozens of “Industrial Classifications” listed as constituents of a “Music Community,” *Applic. § 20(a)*, most show *no* support whatsoever.

⁷² <https://www.icann.org/en/system/files/correspondence/collins-to-eiu-22feb15-en.pdf>.

⁷³ <http://www.sesac.com>.

⁷⁴ See <http://music.us/supporters/>.

⁷⁵ See <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392> at 108, copy of Applicant’s description also included as Exhibit E.

⁷⁶ <http://techcrunch.com/2014/03/06/spotify-acquires-the-echo-nest>.

⁷⁷ <https://gtldcomment.icann.org/applicationcomment/commentdetails/12753>.

⁷⁸ Since the EIU Process Document states that public comments submitted to the ICANN webpage will not be independently verified if associated with a “valid email address” — which Applicant easily could create on its own, Applicant may have little perceived downside in generating correspondence from those who may not exist.

verification efforts, especially given their volume and complexity. Donuts does, however, reserve the right to request, at its option, specific information (e.g. via ICANN’s Document Disclosure Policy⁷⁹ or similar mechanism) concerning which support items the EIU deemed “relevant” during its CPE analysis, and which of those items were verified independently for accuracy.

The Application has encountered significant community opposition.

Applicant has encountered significant opposition, and at least a point must be deducted. By way of example, the Global Issues Network Pan American School of Bahia expressed its opposition to the Application. In its public comment,⁸⁰ the School articulates its concern over Applicant’s ability “to unfairly prevent access to domain names by those with legitimate musical interests who may not otherwise satisfy the criteria that a single registry unilaterally creates in what it deems to be the needs of a music ‘community.’”

Also, a prominent Internet free speech and civil liberties organization, www.IPJustice.org (“IP Justice”) recently submitted a letter of opposition against DML’s Application.⁸¹ In the explanation of its process and rationale, IP Justice notes DML’s recent anti-competitive behavior, as well as the potential for discrimination against entities that may not fall within the confines of Applicant’s arbitrary “MCMO” definition but that may have legitimate uses for a .MUSIC domain.⁸² Finally, IP Justice also points to the significant free speech implications of awarding a TLD with such broad connotations as “music,” a concept familiar to virtually everyone in the world.⁸³

Opposition to this community application is nothing new. First, as mentioned, a coalition of organizations spearheaded by Songwriters Guild of America – including RIAA and many others that originally supported Far Further – formerly opposed the Application.⁸⁴ While this coalition considered endorsing Applicant in 2011, they chose instead to endorse Far Further. In fact, this coalition discouraged Applicant from applying as a community, which Applicant chose to do anyway:

“DotMusic Limited, led by Constantine Roussos, was one of the entities that sought endorsement and participated in the evaluation process.

⁷⁹ <https://www.icann.org/resources/pages/didp-2012-02-25-en>.

⁸⁰ <https://gtldcomment.icann.org/applicationcomment/commentdetails/12795>.

⁸¹ See www.IPJustice.org and copy of letter included as Exhibit F.

⁸² *Id.* at 3.

⁸³ *Id.* at -5.

⁸⁴ <https://www.icann.org/en/system/files/correspondence/carnes-to-icann-24sep14-en.pdf>.

Despite not being selected, DotMusic Limited nonetheless submitted a “community” application for .MUSIC.”⁸⁵

Subsequently, Applicant proceeded to harass Far Further, the other community applicant.⁸⁶ Now, following Far Further’s loss in its IRP, some of these coalition organizations purportedly added or switched their endorsement for Applicant. Nevertheless, the Panel should note that not *all* of these organizations have done so. The Panel also should consider the highly thoughtful and detailed rationale articulated in the letter, and deduct at least a point here. Like Far Further, Applicant should score no more than ***two points out of four*** for Factor #4.

CONCLUSION

The Applicant undertakes the CPE essentially as a “low cost, high reward” gamble. It inappropriately attempts to use the CPE process to circumvent the contention set resolution process defined by ICANN.

However, one would expect to find it exceedingly difficult to succeed at CPE using such a sweeping designation as “CPA.” This is why ICANN set the community bar so high – to prevent applicants limited in scope from misusing the CPE process in order to gain an advantage by claiming broader “community” status.

An objective consideration of the relevant criteria would suggest the following scores:

- ***Zero points*** for “Community Establishment,” due to an even broader community definition (e.g. “music fans”) as the one in *Far Further*;
- ***Zero points*** for “Nexus,” the same score reached in *Far Further*, as the Application substantially overreaches, and “music” is not a “unique” term;
- ***Two points*** for “Registration Policies” due to *inter alia* vague standards and (most importantly) completely lack of any “Eligibility” restrictions following the initial Sunrise and Landrush periods;
- ***Two points*** for “Community Endorsement,” one each for support and opposition, which is again the same result as in *Far Further*.

⁸⁵ See <https://www.icann.org/en/system/files/correspondence/carnes-to-icann-24sep14-en.pdf> at 2 (emphasis added); copy also included as Exhibit G.

⁸⁶ *Id.* at 3.

DotMusic Limited Application for .MUSIC: Comment to Community Priority Evaluation

Thus, **4 points** – one point above *Far Further* – out of 16 represents the absolute “best case” scenario for the Applicant. Falling well short of the 14 points necessary out of the 16 available, the Application should not pass CPE.

DATED: August 12, 2015

Respectfully submitted,

THE IP and TECHNOLOGY LEGAL GROUP, P.C.

/dcm/

By: Don C. Moody
Attorneys for Donuts Inc.
Applicant for .MUSIC

EXHIBIT A



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its Community Definition or any of its Registration Policies. Accordingly, Far Further's reconsideration should be flatly rejected.

On the other hand though, Far Further filed a change request to Question 20(a)(b)(c)(d)(e). On May 27, 2014, given the material nature of such a change request, ICANN deferred the change request to be submitted after Far Further's application's CPE.⁴ Such changes to the Community Definition and Registration Policies are material changes.

Far Further claims that their "*Change Request met the parameters for Change Requests at the time*" but this is not consistent with ICANN's Change Request policies that predated the new Change Request Advisory. Far Further's change request does not comply with the prior ICANN Change Request page,⁵ which required specific criteria to be fulfilled, such as:

***Materiality** – Would the change affect the evaluation score or require re-evaluation of some or all of the application? Would the change affect string contention or community priority consideration?*

Clearly, any change that Far Further submitted to Question 20(a)(b)(c)(d)(e) does not pass ICANN's prior Change Request page criteria with regards to *Materiality* and other criteria.

B) DotMusic's Community Definition & Registration Policies Remain Unchanged in its Application

DotMusic would like to align itself with ICANN staff's position and re-affirm that the Community Definition and Registration Policies stated in its Application remain unchanged.⁶ Please note the following definitions and policies set forth in DotMusic's Application:

Community Definition (Community Establishment/Nexus):

DotMusic commits not to exclude legitimate members of the global Music Community as defined in the Application -- "*a strictly delineated and organized community of individuals,*

³ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>

⁴ <https://www.icann.org/en/system/files/correspondence/willet-to-styll-27may14-en.pdf>

⁵ Archive.org, ICANN Change Request page, July 14th, 2013
<https://web.archive.org/web/20130714023142/http://newgtlds.icann.org/en/applicants/customer-service/change-requests>

⁶ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Application ID 1-1115-14110



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organizations and business, a logical alliance of communities of similar nature that relate to music.” (Community Definition, Application Answer to Question 20a).

Registration Policies:

Eligibility

According to the DotMusic Application:

DotMusic will use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment beyond reasonable doubt and incorporate safeguards in membership criteria “aligned with the community-based Purpose” and mitigate anti-trust and privacy concerns by protecting the Community of considerable size and extension while ensuring there is no material detriment to Community rights and their legitimate interests. Registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership” without discrimination, conflict of interest or “likelihood of material detriment to the rights and legitimate interests” of the Community. (Application Answer to Question 20a)

According to the DotMusic Application:

SUNRISE LAUNCH W/ TRADEMARK VALIDATION

This is the first phase of .MUSIC domain registration. It is a phase designed to protect trademarks in the roll-out of .MUSIC. The Sunrise is the time when regional, national and international trademark and service mark holders can apply for .MUSIC domains.

The eligibility requirements will be verified, and multiple registration applications for the same string will be auctioned, except for GPML entries that supersede any other sunrise registration applications. The Sunrise Challenge Process solves disputes concerning domains registered under the Sunrise Policy.

MUSIC COMMUNITY MEMBER ORGANIZATION (MCMO) LANDRUSH LAUNCH

This is the second phase of .MUSIC domain registration. It is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (MCMO). Unique registrations will be granted to the sole

EXHIBIT B

.music is the universal language. I bet over 1,000,000 fans



Safe Harbor Not Loophole: Five Things We Could Do Right Now to Make the DMCA Notice and Takedown...
By Chris Castle There has been considerable...
BIT.LY

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VISITOR POSTS

Natalia Charmaine
16 March at 18:24
close to you
Like Comment

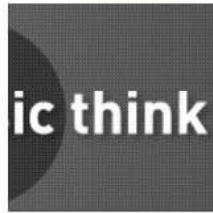
XuXu Dung Khoc
3 February at 09:50
★ website quảng cáo facebook sử dụng trực tuyến ★
Chi phí chỉ 1... See More
Like Comment

Uche Praize
17 October 2014 at 05:50
Download and share new gospel single track frm
UCHE PRAIZE titled: kileoleshe
http://tindeck.com/dl/agqj pls RBC
Like Comment 1

LIKED BY THIS PAGE

urname.mur
.music (dotMusic) Top-Level... Like

.music is the universal language. I bet over 1,000,000 fans love .music
Yesterday at 18:41 -
Great article by Media Ecologist @dubber on Human Music Interaction:
http://t.co/GnQNuvtLKq "Innovation requires unexpected discoveries"



Human Music Interaction - MTT - Music Think Tank
In my now part-time day job as a professor at Birmingham City University, I wrote an article on ...
BIT.LY

Like Comment Share

.music is the universal language. I bet over 1,000,000 fans love .music
30 July at 20:39 -
Words to anti-competitive actors planning community obstruction: For every negative action, there'll be a greater & opposite reaction #ICANN
Like Comment Share

.music is the universal language. I bet over 1,000,000 fans love .music
29 July at 16:24 -

Create Page

- Recent
- 2015
- 2014
- 2013
- 2012
- 2011
- 2010
- Founded

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For those who want more out of life.

Chat

EXHIBIT C



First Class Performance



ironDNS

DI PRO

TLD HEALTH CHECK

DI JOBS (FREE)

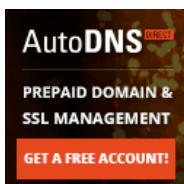
ABOUT

ADVERTISE

RSS Feed

Twitter Feed

Enter Search Query



RECENT POSTS

After abc xyz, will Google now switch to .google?

SEO site topped as most-popular new gTLD domain

.music applicant caught using bogus Wikipedia page

OpenTLD cybersquatting fight escalates

ICANN gets hacked, again

Dozens of dot-brands finally sign ICANN contracts

African Union slams "dysfunctional" IRP as ICANN tries to fend off cover-up claims

.music applicant caught using bogus Wikipedia page

Kevin Murphy, August 10, 2015, 13:50:37 (UTC), Domain Registries

DotMusic Limited, the .music applicant founded by Constantine Roussos, is using a highly suspicious Wikipedia page in its attempt to win the .music contention set.

The applicant and many supporters have been citing the Wikipedia "music community" page in support of DotMusic's ongoing Community Priority Evaluation, despite the fact that the page draws text, without citation, from DotMusic's own application.

The Wikipedia page was created October 21, 2014, just two weeks after rival .music applicant [Far Further](#) spectacularly failed in its own Community Priority Evaluation bid.

In March this year, DotMusic cited (pdf) a November 26 version of the Wikipedia page in whole in a [controversial application change request](#).

Three of its supporters ([Jeunesses Musicales International](#), [International Society of Music Education](#), and [International Federation of Musicians](#)) have cited the Wikipedia article in DotMusic-drafted letters sent to ICANN.

An early version of the [sign-and-submit form letter](#) DotMusic is encouraging supporters to send to ICANN included the Wikipedia reference ([this one](#), for example) but it appears to have been removed from form comments sent after the end of July.

Its [web site](#) currently says that its definition of "music community" is "confirmed by Wikipedia".

In fact, the Wikipedia page pulls lots of its language from DotMusic's 2012 new gTLD application, as represented in the table below.

Wikipedia	DotMusic
Music community is defined as a logical alliance of interdependent communities that are related to music.	The Community is a strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of a similar nature (COMMUNITY)
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.	The Community and the .MUSIC string share a core value system of artistic expression with diverse, niche subcultures and socio-economic interactions between music creators, their value chain, distribution channel, and ultimately engaging fans as well as other music constituents subscribing to common ideals.
Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial	Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial

The phrase "logical alliance" originates in the ICANN Applicant Guidebook, as part of the CPE rules.

But that still leaves two sentences that appear to have been only lightly edited after being taken wholesale from the DotMusic application.

The Wikipedia page does not refer to domain names or ICANN, nor does it cite DotMusic as a source, despite the fact (per a Google search) that phrases such as "socio-economic interactions between music creators" have only ever



- [New gTLDs not an illegal conspiracy, court rules](#)
- [Most governments keep restrictions on country names in new gTLDs](#)
- [Sharp wants dot-brand Whois requirement relaxed](#)
- [Neustar becomes "world's largest registry" with \\$87m ARI buy](#)
- [As deadline looms, over 100 dot-brands still in contract limbo](#)
- [IDN .com hits the root](#)
- [Another new gTLD up for sale with \\$750,000 reserve](#)
- [OpenTLD suspension stayed in unprecedented arbitration case](#)
- [Flood of wait-and-see dot-brands expected this week](#)
- [.sucks won't discount its fee for \\$10 domains](#)
- [What split? TLD webinar series folded into the DNA](#)
- [Booking.com uses .africa precedent to challenge .hotels ruling](#)
- [TLD to be removed from the DNS next week](#)
- [Read that controversial .africa letter](#)
- [DCA's .africa bid officially unrejected by ICANN](#)
- [ICANN execs helped African Union win africa — report](#)
- [Time for .bloomberg after Twitter hoax?](#)
- [Dot London auctioning 50 registry-owned premium names](#)
- [DotConnectAfrica still barking mad after IRP win](#)
- [New gTLD program thrown into chaos as ICANN loses .africa case](#)
- [.cruise heading to auction despite "closed generic" protest](#)
- [World's fourth-largest bank dumping old domains in switch to dot-brand gTLD](#)
- [Slacker dot-brands get ICANN reprieve](#)
- [Chinese registrar goes AWOL, gets terminated](#)
- [There are now over 1,000 top-level domains](#)
- [Afilias wants to buy your failed gTLD](#)
- [Carlsberg snaps up 150 .beer domains, including the most British domain I've ever seen](#)
- [Whois privacy supporters to top 20,000](#)
- [Does this fun video prove that the .sucks message isn't total BS?](#)
- [New musical named after \(and uses\) new gTLD](#)

appeared in .music's application.

That's unusual, because the citations in the article, many of which are to weighty, barely comprehensible scholarly works, give the impression of a well-researched and well-sourced piece.

Only one Wikipedia editor, known by the handle [Dr. Blofeld](#), has contributed anything of substance to the page. Three others have provided cosmetic edits.

While a prolific editor since 2006, the closest he had previously come to writing an article about music were his contributions to a page about a green Versace dress once worn by singer Jennifer Lopez, according to Blofeld's user page.

He seems to be much more interested in nature, architecture and film (including James Bond films, naturally).

On wonders why he had the sudden urge to scratch-build a 375-word article about the "music community", having evidently read a dozen academic works on the topic, that fails to cite DotMusic's application as the source of some of the text.

In summary, the evidence points towards the article being created solely for the purpose of assisting DotMusic towards a CPE victory that would save it the seven-figure sum .music is likely to fetch if it goes to auction.

There are eight applicants for .music in total.

Related posts (automatically generated):

[Music industry gets its ass handed to it by gTLD panel](#)

[Second .music applicant is Demand Media partner](#)

[Roussos loses last .music LRO](#)

[Tweet](#) 23

[Like](#) [Share](#) 30 people like this. [Sign Up](#) to see what your friends like.

[+1](#) +1 Recommend this on Google

Tagged: [.music](#), [bogosity](#), [community priority evaluation](#), [dotmusic](#), [far further](#), [new gTLDs](#), [wikipedia](#)

COMMENTS (18)

tom barrett

August 10, 2015 at 2:35 pm

I don't see how this page is more suspect than any other page on wikipedia. they all have to start with one writer.

[Reply](#)

Constantine Roussos (.MUSIC)

August 10, 2015 at 4:28 pm

Kevin,

This is a new low for you but comes to no surprise seeing that a big portion of your advertisers being our .MUSIC competing applicants that pay a lot of your bills.

For starters, looking at the history of the entry (https://en.wikipedia.org/w/index.php?title=Music_community&action=history), it is clear that these Wikipedia writers are prolific and have made submissions and edited the entry (and thousands of others), which is common practice. Just like anyone in the world can change the entry, anyone in the world can reference it.

Seems clear to the readers that you have a clear agenda against community applicants and any reader can see that you are being influenced by those who pay your bills.

We expected last minute obstruction from our competitors (many of whom are your advertisers and pay your bills) and yourself (yes, you are that predictable mate because of your history attacking us at every chance).

ICANN and the EIU are intelligent enough to know about the predictable obstruction pattern. I can predict with certainty it is coming in the next 72 hours or so. Stay tuned

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RECENT COMMENTS

Rubens Kuhl:

The decision to redact generated a lot of controversy... not all controversy is about the merits, and only a limited vie... [read more](#)

Rubens Kuhl:

On google, the slowness of ICANN and governments to allow .google and/or .google will possibly be an attrition to move ... [read more](#)

Kiran:

In it's announcement on abc.xyz, Larry Page stated that Alphabet won't be a consumer facing brand, so I doubt they care ... [read more](#)

Martin:

Kevin, So you are saying you want to create controversy over where it does not exist. I get it. No amount of analysis

- [domain](#)
- [ICANN dragged into Gamergate as Whois reform cast as misogynist threat](#)
- [Free .cloud domains on offer to pioneer brands](#)
- [New gTLD sales miss ICANN estimates by a mile](#)
- [M+M sells net.work for \\$100,000](#)
- [You might be surprised how many new gTLDs have changed hands already](#)
- [Bulgaria looking for an IDN registry operator](#)
- [Go Daddy advertising privacy petition on Facebook](#)
- [Afilias promises cash for LGBT cause with .lgbt sales](#)
- [First example of .sucks cybersquatting?](#)
- [Registrars open floodgate of Whois privacy outrage](#)
- [Puerto Rico to host ICANN meeting next year](#)
- [Posh Spice takes down porn site](#)
- [Donuts: glitch revealed price we would pay for gTLDs](#)

because all this (even your post) is calculated raised in the eleventh hour to obstruct our worthy work.

Perhaps criticize our application, our policies and the level of support we have? That would be constructive.

However, your readers are getting it. They can read between the lines.

In your previous attack against me you said we employed "dirty tricks" ([http //domainincite.com/18389-dirty-tricks-claimed-in-music-fight](http://domainincite.com/18389-dirty-tricks-claimed-in-music-fight)) which obviously were false allegations. The ICANN reconsideration determination on the "dirty tricks" attack vindicated us and exposed the complainant, a competing .MUSIC applicant ([https //www.icann.org/en/system/files/files/determination-15-6-Music-Ilc-06may15-en.pdf](https://www.icann.org/en/system/files/files/determination-15-6-Music-Ilc-06may15-en.pdf), May 6th, 2015). But where was the follow up from you? Nowhere to be seen. I wonder why? Your readers may be wondering Kevin.

I understand you do not believe there is music community, even though we amassed the largest coalition of organizations ever assembled to support a music cause, which is not a story good to break into your blog because it is a worthy story. Our community application has supporting organizations with members that represent over 95% of music consumed globally. If you deny that there is a delineated music community then I urge you to try an experiment: do not listen to any music that is related to our supporting organizations. You will have a limited choice. I would argue, you will have no choices. That paint a picture? Denying the existence of an entire sector is laughable but I am not the one paying your bills. However, my initiative always seems to help increase your page views 😊 Any attacks on us = more views for your one-sided blog.

In terms of the existence of the music community, we have used countless references in our application, describing the relationship of the string with the music community: H. Hoegh-Guldberg and R. Letts (Statistical Framework for the Music Sector, 2005), the U.K Department for Culture, Media & Sport (DCMS 2001), Michael Chanan (Short History of Recording and its Effects on Music, 1995) and Peter Martland (Business History of the Gramophone Company Ltd (1887-1918), 1992), F. Fabbri (Theory of Musical Genres, Popular Music Perspectives, 1981), J. Toynbee (Making Popular Music: Musicians, Creativity & Institutions, 2000), A. North, & D. Hargreaves (Liking for Musical Styles, Music Scientae,1997), F. Pachet (Representing Musical Genre: A State of the Art, Journal of New Music Research, 2003).

If you go to Amazon com (a competitor for .MUSIC) and search for "music community" ([http //www.amazon.com/s/ref=nb_sb_noss?url=search-alias%3Daps&field-keywords=music+community](http://www.amazon.com/s/ref=nb_sb_noss?url=search-alias%3Daps&field-keywords=music+community)). Amazon search returns nearly 30,000 results.

Perhaps all those Amazon references and books were also written solely to assist us in passing CPE as well? It is truly getting desperate.

Next time you email me, I suggest you wait a few hours so I can respond (and you know I always respond). Your readers know this is a desperate move and part of the eleventh hour obstruction campaign that just began against our Application just as our CPE evaluation begins.

You are earning your pay from your advertisers but your readers are smarter than that.

[Reply](#)

Kevin Murphy

August 10, 2015 at 4:40 pm



I'm sure DI readers would be delighted to hear you deny for the record that DotMusic had a hand in creating the Wikipedia page.

Can you also explain why the Wikipedia page uses text from your application without citation?

Can you explain why it uses text from the CPE portion of the Applicant Guidebook?

Can you explain why the "music community" you say exists did not merit a Wikipedia page until shortly before you were due to file your CPE?

I'm going to ignore the personal attacks on my ethics, primarily because I genuinely have no clue whether any of DI's advertisers have applied for .music or not and I can't be bothered to look it up.

[Reply](#)

Constantine Roussos (.MUSIC)

August 10, 2015 at 6:40 pm



Kevin,

You are entitled to your own personal opinion that the music community does not exist. It follows the rhetoric of those competitors

or... [read more](#)

Martin:

The redaction is a decision by ICANN not RP Panel, so you are again mixing apples and oranges. It is so obvious tha... [read more](#)

Mike:

Better question is: Will Alphabet switch to alphabet? Most likely yes, but they will have to wait for the second round ... [read more](#)

Bobby:

"trusted web space to both the general Internet population and Google employees. It will also generate efficiencies and ... [read more](#)

Rubens Kuhl:

For starters, the redacted parts.... [read more](#)

Martin:

Kevin, How could the decision be "controversial"? An agreed upon process with qualified jurists whose decision came as... [read more](#)

Rubens Kuhl:

If ISO designates ea to some country, I really doubt ICANN will deny the country its ccTLD.... [read more](#)

bidding for .MUSIC as non-community applications. Why would they apply for .MUSIC if there was no music community?

Who would actually register .music or associate themselves with the .MUSIC string? This is a very important question. The answer is the music community addressed, not a casual, peripheral consumer that happens to like music. In other words they would have the requisite awareness that they belong to the community. You would not qualify since you do not have the requisite awareness of it. Others do though. That is where our eligibility is quite specific mandating this requisite awareness of the community.

There are many documents that we have posted about the "music community," which include posts to ICANN and to the EIU specifically which are public. We actually did many position papers in 2013 (when CPE Guidelines were being "amended" after the AGB was made). You can check the ICANN CPE page for that. and the web Those position papers can be found on Google. We also have thousands of public statements via our social media as well.

The fact that some chose to post to Wikipedia is a positive affirmation of what we are doing, but does not define or limit us. The fact that the post went through many Wikipedia prolific writers shows some sort of reasonable confirmation of acceptance that our definition is on the right track. Also, the Wikipedia history reveals that the entry was created about a year or so ago. This is far from shortly before going into CPE (which is now, nearly a year later).

Clearly our definition was crafted by us, distributed all over the web and later accepted by many as a reasonable definition. We have been pretty vocal and public about the existence of the music community and how it is defined or addressed. Seems the general public agrees there is a community for music. The definition might evolve slightly but it does exist.

Also it is safe to say that we have a majority of supporting organizations that constitute the music sector if you prefer that word (unless you want to deny that as well). Actually, it is the largest support for any TLD in the New gTLD Program. That merits consideration because the music community addressed wants the TLD to be run responsibly and with music-tailored policies.

You have read or seen or heard our very public discussions and position papers on why and how the "community exists." I did not see you dispute ICANN and GAC when they agreed that "music" was a regulated, delineated sector and passed many resolutions on the topic (See <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3). We will continue to state the obvious that the music community exists and continue provide a diverse set of evidence that would reasonably point to that.

Judge our application on its merits. Whether a Wikipedia entry exists or not, we strongly believe (as do many) that the "music community" exists (sounds silly denying it) and our community application was written with extensive feedback from the music community.

Just to be clear, we have developed the .MUSIC Mission, definition and Registration Policies from feedback collected during a global, public outreach campaign launched in 2008. During this time the music community was engaged (via events, meetings, social media etc) with us to shape the .MUSIC mission, definition and policies. DotMusic has participated in hundreds of international music/domain events (<http://music.us/events>) and continues to engage music community members. One can safely conclude that the community application is by the community for the community.

If you believe our initiative is not authentic and not worthy then you are entitled to your personal opinion. We are here to set the story straight. My team and myself have always been approachable and keen to meaningful discussions. Obstructing us though is a serious issue which we do not take lightly.

P.S. I am pretty sure you know who the .MUSIC applicants are. The only initiative that has more mentions than us on your blog is DCA, which you took personally because you were accused of a conspiracy against them. Seems you are quite passionate about us not passing CPE and that there is no music community. Even though you say you "genuinely have no clue whether any of DI's advertisers have applied

for music or not and can't be bothered to look it up" while you do bother to write a specific attack piece that analyzes words from our application, including quoting specific words from specific sections of our extensive website), I will take you at your word that you are not serving the interests of some of your advertisers or our competitors. However, I do think posting an attack story against us while collecting advertising dollars from our .MUSIC competitors is a conflict of interest. Any reasonable reader will see that.

[Reply](#)

Kevin Murphy

August 10, 2015 at 7:48 pm



Costa,

One of the problems with having journalistic ethics is that sometimes you have to write bad things about people you like.

Please note that I am not arguing against your CPE. I'm arguing against the validity of the Wikipedia article that you've been throwing around as a source for months.

No, the Wikipedia page did not go through "many Wikipedia prolific writers".

As I explained in the original post, it was written entirely by one guy — Dr Blofeld. The three other editors — each of whom has a single edit — did not change the text of the article. They just made cosmetic changes to the page.

This is a matter of public record that anyone can check out to verify for themselves: https://en.wikipedia.org/w/index.php?title=Music_community&action=history

Blofeld wrote the article, and he is the one who cited the 13 mostly academic sources to back up the statements he was making.

Anyone who had read all of those texts, some of which are extremely dense — the work of renowned music scholars and evidently written for a limited audience of academics — would surely not need to quote DotMusic's new gTLD application to prove the existence of a "music community", especially as parts of that application are written almost entirely with the CPE in mind.

Looking through Blofeld's Wikipedia record, I don't believe for a second he has read any of this stuff.

But I note from your application that somebody at DotMusic has read some of that stuff.

And if the "music community" is such a big deal, why did it not get the recognition of the Wikipedia editor community until after the only other "Community" music application had failed CPE?

If Blofeld was an objective third party, who wrote his article after Far Further was crucified in CPE, why would he quote from the subjective applicant that is arguing in favor of the existence of a "music community" and not from the objective CPE panel that had already concluded it does not exist?

In my view, he's either a supporter of DotMusic, or he was encouraged to write the article by a supporter of DotMusic or DotMusic itself.

Either way, it was dishonest of DotMusic to cite Wikipedia on multiple occasions as a neutral third-party source when it should have been extremely obvious that the article being cited looked a lot more like astroturf.

Anyway, I note that you have not yet directly denied being involved in the Wikipedia article.

I urge you to do so.

Kevin

[Reply](#)

John Berryhill

August 10, 2015 at 10:35 pm



"I urge you to try an experiment: do not listen to any music that is related to our supporting organizations "

This one is kinda catchy

<https://www.youtube.com/watch?v=rBgMeunuvIE>

[Reply](#)

Constantine Roussos (.MUSIC)

August 10, 2015 at 11:37 pm



John,

Never heard the Korean cover. Pretty catchy indeed and thanks for sharing this A-ha cover.

The cover is obviously is a song by Norwegian band A-ha which is signed to Universal (and previously Warner). So since A-ha is collecting royalties from Youtube on this catchy song performed in North Korea, it is related to a few supporting organizations (and this band specifically).

This is the original version: <https://www.youtube.com/watch?v=djV11Xbc914>

Brilliant song.

By the way, here is a great read on North Korean music: <http://en.nksc.co.kr/our-work/leadership-development/eyes-pyongyang/music-of-north-korea>

[Reply](#)

John Berryhill

August 11, 2015 at 4:01 am



Well, I'm going to bet that their branch of the community doesn't go around claiming Al Gore invented the internet.

[Reply](#)

John Berryhill

August 11, 2015 at 4:09 am



And, yes, who can forget the adventure we had signing up the drummers among uncontacted tribes of the Amazon, while also getting them to register their disapproval of amazon.

I'm still not sure about whether you'll get these musicians on board:

Whale Song 🕒 🔗

[Reply](#)

Rubens Kuhl

August 10, 2015 at 5:07 pm



Wasn't Dr. Blofeld who wrote a position paper in favor of .music community delineation ? I couldn't fight right away who was it.

Reply

Rubens Kuhl

August 10, 2015 at 5:54 pm



"couldn't find"

Reply

Constantine Roussos (.MUSIC)

August 10, 2015 at 8:04 pm



Kevin,

Our application references many authors that are experts on the music community. Our application's content, including the association of .music and its relationship with the community were taken from works of published authors, experts and studies (such as from government ministries of culture). It is entirely possible that many of those experts have influenced a lot of the writings on the topic of music community, not just ours.

We referenced all the authors and experts that we quoted in our application to corroborate some of our statements pertaining to the existence of the music community. I am surprised your piece does not give credit to those we quoted in our application.

The authors that we referenced are:

Hoegh-Guldberg and R. Letts (Statistical Framework for the Music Sector, 2005)

U.K Department for Culture, Media & Sport (DCMS 2001), Creative Industries Mapping Study)

Michael Chanan (Short History of Recording and its Effects on Music, 1995)

Peter Martland (Business History of the Gramophone Company Ltd (1887-1918), 1992)

F. Fabbri (Theory of Musical Genres, Popular Music Perspectives, 1981)

J. Toynbee (Making Popular Music: Musicians, Creativity & Institutions, 2000)

A. North, & D. Hargreaves (Liking for Musical Styles, Music Scientae,1997)

F. Pachet (Representing Musical Genre: A State of the Art, Journal of New Music Research, 2003)

R. Burnett (International Music Industry, 1996)

P. Gronow (International History of the Recording Industry, 1998)

M. Talbot (Business of Music, 2002)

P. Tschmuck (Creativity & Innovation in the Music Industry, Institute of Culture Management & Culture Science, 2006)

See our application at: https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t_ac=1392

Reply

Kevin Murphy

August 10, 2015 at 8:31 pm



Were you involved in any way in the creation of the "music community" Wikipedia page?

You have no obligation whatsoever to answer this question.

But I've asked you four times and you have not answered.

If you don't answer, I'm sure DI readers will notice.

As you've observed above, DI readers are super smart.

Reply

Constantine Roussos (.MUSIC)

August 10, 2015 at 10:00 pm



Kevin,

A few soundbytes on the Wikipedia page is quite consistent with some words from our application and our position papers (which were heavily referenced with authors/experts — hundreds of citations

actually).

To answer your question: I did not create the Wikipedia page. No-one from my team did either. It is clear that others have agreed with some of our contributions and advocacy on the existence of the music community. As you know we have advocated for support to serve the community with music-tailored policies that are meaningful and our outreach campaign has been quite extensive and supported by many.

Such support though is discounted by you and competitors (including the competitor that we know supplied you with this information) to fit their story that there is no such thing as a delineated music community (with members having the requisite awareness of it) so .MUSIC is auctioned out to the highest bidder.

Experts would differ with such an opinion though. ICANN and GAC both agree with their resolutions/advice that "music" is a sensitive, regulated sector. This Wikipedia page has remained live for over a year, so anyone on this planet had time to edit it. Some made changes over the year. We did not. But we do agree with a portion of it because parts of it is based on our referenced authors/experts that we quoted in our application.

This ongoing pattern of obstruction against community-applicants seems to have reached new levels. Seems quite self-serving that this comes up at the eve of our evaluation when the post was around since last year? We know this info to you came from a particular .MUSIC competitor and you have not denied that. That said, we will continue to serve the music community (and its existence) in the best way that we can.

[Reply](#)

Kevin Murphy

August 10, 2015 at 8:52 pm



I don't doubt that your application has massive amounts of support Costa.

I don't think I've ever recently written anything doubting you. Correct me if I'm wrong.

Obviously, some significant parts of your support only emerged after Far Further CPE failed and organizations who had previously objected to DotMusic decided that you were the lesser of eight evils.

But who's counting? Not me, obviously.

(Links available on request)

[Reply](#)

Constantine Roussos (.MUSIC)

August 10, 2015 at 10:48 pm



Kevin,

Thanks for at least acknowledging the massive support and not doubting our initiative. t has worthy intentions and is trying to serve a specific meaningful purpose.

Any support we received was earned through our music community consensus-driven application as well as our reiterated commitments to the music community which we clarified beyond question as you may know.

Yes, you are right about the opposition withdrawals and big portion of Far Further's supporters supporting us as well. t speaks volumes. t was certainly not because it is the lesser of 8 evils. It was because we had consensus-based music-tailored policies that serve the interests of the community.

You can check out the comparison of the .MUSIC applications to see how we differ and what music-tailored policies we specifically have: <http://music.us/comparison.pdf>

Thank you.

[Reply](#)

Kevin Murphy

August 10, 2015 at 11:45 pm



I think you arranged that Wikipedia article and I think you're lying about it. I'm sorry, mate, I just can't imagine another way it could have happened and you haven't given me a plausible alternative. Sorry. Please tell me if I'm wrong and how I'm wrong.

[Reply](#)

Richard Funden

August 11, 2015 at 8:22 am

[http //i.imgur.com/7coCy.gif?noredirect](http://i.imgur.com/7coCy.gif?noredirect)

and

[http //i.imgur.com/DKJhx9l.gif](http://i.imgur.com/DKJhx9l.gif)

[Reply](#)



ADD YOUR COMMENT

Name (required)

Mail (will not be published) (required)

Web site (optional)

Submit Comment

Notify me of followup comments via e-mail. You can also [subscribe](#) without commenting.

Music community

From Wikipedia, the free encyclopedia

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants, such as record labels, operating within what is commonly-known as the music industry, and non-commercial participants, such as amateur musicians. It comprises “networks of musicians, promoters, and interested people”,^{[1][2]} and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music.”^[3]

UNESCO identifies some communities as a “community of identity”, suggesting common identifiable characteristics and cohesive attributes such as sharing a common culture, such as language, music, religion, and customs.^[4] 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.^[5] It refers to music-related individuals and organizations in a shared environment with shared understandings and practices, modes of production and distribution.^[6] The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values.^[7]

Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices.^{[8][9]} 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. Music performances give people in the music community an opportunity to voice their emotions, values, lifestyle, and economic and social conditions through sound, rhythm, and community.^[10]

In the place of the continued commercialism of music, the quest for identity and meaning has been rekindled with music both musicians and audiences.^[11] How music is consumed in a space can affect the cultural meaning of places and people’s interactions in places.^[12] With new frameworks for music consumption, communication, distribution and reception being adopted, many elements have been re-negotiated and re-modified, often altering our traditional understandings of music audiences and their role in these practices. The popularity of social media and online communities in particular brought forth a number of online explorations of music audience and fan behavior.^[13]

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1. Spring, Ken. “Behind the Rave: Structure and Agency in a Rave Scene.” in *Music Scenes: Local, Translocal, and Virtual*. ed. Bennett, Andy and Richard A. Peterson. Nashville: Vanderbilt University Press, 2004. Pages 48-63
2. Rebecca Elizabeth Ball, *Portland’s Independent Music Scene: Formation of Community Identities and Alternative Urban Cultural Landscapes* (http://dr.archives.pdx.edu/xmlui/bitstream/handle/psu/4714/Ball_psu_0180E_10052.pdf?sequence=1), 2010, Page 50
3. Michael Talbot, *Business of Music*, Liverpool University Press, 2002, Page 171
4. *Understanding the Community* (http://www.unesco.org/education/aladin/paldin/pdf/course01/unit_06.pdf), UNESCO, Pages 3-5
5. Bennett, Andy and Richard A. Peterson. Introduction. *Music Scenes: Local, Translocal, and Virtual*. ed. Bennett, Andy and Richard A. Peterson. Nashville: Vanderbilt University Press, 2004. 1-16, Page 134
6. Ruth H. Finnegan. *The Hidden Musicians: Music-Making in an English Town*. Cambridge: Cambridge University Press, 1989. Pages 31-32

7. Michael Monaghan. *How to Disappear Completely: An Ethnographic Study of the Contemporary Musical World in Oxford, Identifying, Analysing and Interrelating Comparable Online and Offline Communities* (http://www.academia.edu/448688/How_to_Disappear_Completely_An_Ethnographic_Study_of_the_Contemporary_Musical_World_in_Oxford_Identifying_Analysing_and_Interrelating_Comparable_Online_and_Offline_Communities), Cardiff School of Creative and Cultural Industries, 2008, Page 23 and Page 28
8. Grazian, David. "The Symbolic Economy of Authenticity in the Chicago Blues Scene." in *Music Scenes: Local, Translocal, and Virtual*. ed. Bennett, Andy and Richard A. Peterson. Nashville: Vanderbilt University Press, 2004. Pages 31-47
9. Rebecca Elizabeth Ball, 2010 *Portland's Independent Music Scene: Formation of Community Identities and Alternative Urban Cultural Landscapes* (http://dr.archives.pdx.edu/xmlui/bitstream/handle/psu/4714/Ball_psu_0180E_10052.pdf?sequence=1), Page 27
10. Smith, Susan J. "Beyond Geography's Visible Worlds: A Cultural Politics of Music." *Progress in Human Geography*. 21.4 (1997): 505-529. Sage Journals Online. Web. 3 January 2010
11. Connell, John, and Chris Gibson. "World Music: Deterritorializing Place and Identity." *Progress and Human Geography*. 28.3 (2004): Page 132 and Page 277. Sage Journals Online. Web. 19 March 2009
12. Connell, John, and Chris Gibson. "World Music: Deterritorializing Place and Identity." *Progress and Human Geography*. 28.3 (2004): 342-361. Sage Journals Online. Web. 19 March 2009
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Categories: Musicology | Social sciences

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Music community: Revision history

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(cur) = difference from current version, (prev) = difference from preceding version,

m = minor edit, **→** = section edit, **←** = automatic edit summary

Compare selected revisions

- (cur | prev) ● 19:20, 10 August 2015 67.63.158.242 (talk) . . (5,753 bytes) (-9) . . (The UNESCO reference incorrectly characterizes UNESCO as identifying a music community. It does not. It simply identifies community.) (undo)
- (cur | prev) ● 18:21, 9 June 2015 Jonpatterns (talk | contribs) . . (5,762 bytes) (+28) . . ({{Independent production}}) (undo)
- (cur | prev) ○ 08:24, 12 January 2015 Xezbeth (talk | contribs) . . (5,734 bytes) (+59) . . (Disambiguated: distribution → distribution (business), fans → fan (person), lifestyle → lifestyle (sociology)) (undo)
- (cur | prev) ○ 18:42, 28 November 2014 Mogism (talk | contribs) **m** . . (5,675 bytes) (-3) . . (Cleanup/Typo fixing, typo(s) fixed: comprises of → comprises using AWB) (undo)
- (cur | prev) ○ 10:56, 4 November 2014 Dr. Blofeld (talk | contribs) . . (5,678 bytes) (+954) . . (add) (undo)
- (cur | prev) ○ 18:30, 21 October 2014 Dr. Blofeld (talk | contribs) . . (4,724 bytes) (+8) . . (undo)
- (cur | prev) ○ 18:28, 21 October 2014 Dr. Blofeld (talk | contribs) . . (4,716 bytes) (-1) . . (undo)
- (cur | prev) ○ 18:27, 21 October 2014 Dr. Blofeld (talk | contribs) . . (4,717 bytes) (+1) . . (undo)
- (cur | prev) ○ 18:06, 21 October 2014 Dr. Blofeld (talk | contribs) . . (4,716 bytes) (+29) . . (added Category:Social sciences using HotCat) (undo)
- (cur | prev) ○ 18:06, 21 October 2014 Dr. Blofeld (talk | contribs) . . (4,687 bytes) (+25) . . (added Category:Musicology using HotCat) (undo)
- (cur | prev) ○ 18:05, 21 October 2014 Dr. Blofeld (talk | contribs) . . (4,662 bytes) (+4,662) . . (initial)

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Retrieved from "https://en.wikipedia.org/wiki/Music_community"

EXHIBIT D

The Music Community is strictly delineated using established NAICS codes that align with the (i) characteristics of the globally recognized organized Community and (ii) .MUSIC global rotating multi-stakeholder Advisory Board model of fair representation irrespective of locale size or commercial/non-commercial status organized with the

Actual 2012 NAICS designation <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012>

Musical groups and artists (71130)	Correct designation		This industry comprises (1) groups primarily engaged in producing live musical entertainment (except theatrical musical or opera productions) and (2) independent (i.e. freelance) artists primarily engaged in providing live musical entertainment. Musical groups and artists may perform in front of a live audience or in a studio and may or may not operate their own facilities for staging their shows.
Independent music artists, performers, arrangers & composers (711500)	711500 is not a valid 2012 NAICS code		
Music publishers (512230)	Correct designation		
Music recording industries (512290)	Misleading designation	Other Sound Recording Industries	This industry comprises establishments primarily engaged in providing sound recording services (except record production distribution music publishing and sound recording in a studio). Establishments in this industry provide services such as the audio recording of meetings and conferences.
Music recording & rehearsal studios (512240)	Misleading designation	Sound Recording Studios	This industry comprises establishments primarily engaged in providing the facilities and technical expertise for sound recording in a studio. This industry includes establishments that provide audio production and postproduction services to produce master recordings. These establishments may provide audio services for film television and video productions.
Music distributors, promoters & record labels (512220)	Misleading designation	Integrated Record Production/Distribution	Correct description
Music production companies & record producers (512210)	Misleading designation	Record Production	Master recording leasing and licensing Record producers (except independent) Record production (except independent record producers) without duplication or distribution."
Live musical producers (711130)	Misleading designation	Musical Groups and Artists	This industry comprises (1) groups primarily engaged in producing live musical entertainment (except theatrical musical or opera productions) and (2) independent (i.e. freelance) artists primarily engaged in providing live musical entertainment. Musical groups and artists may perform in front of a live audience or in a studio and may or may not operate their own facilities for staging their shows.
Musical instrument manufacturers (339992)	Musical Instrument Manufacturing		Correct description
Musical instruments & supplies stores (451140)	Correct designation		
Music stores (451220)	451220 is not a valid 2012 NAICS code.		SHOULD BE 443142 Music stores (e.g. cassette compact disc record tape) 451140 Sheet music stores 451140 Music stores (i.e. instrument) 451140 Musical instrument stores or 453310 Music stores (e.g. cassette instrument record tape) used
Music accountants (541211)	Misleading designation	Offices of Certified Public Accountants	This U.S. industry comprises establishments of accountants that are certified to audit the accounting records of public and private organizations and to attest to compliance with generally accepted accounting practices. Offices of certified public accountants (CPAs) may provide one or more of the following accounting services: (1) auditing financial statements; (2) designing accounting systems; (3) preparing financial statements; (4) developing budgets; and (5) providing advice on matters related to accounting. These establishments may also provide related services such as bookkeeping tax return preparation and payroll processing."
Music lawyers (541110)	Misleading designation	Offices of Lawyers	This industry comprises offices of legal practitioners known as lawyers or attorneys (i.e. counselors-at-law) primarily engaged in the practice of law. Establishments in this industry may provide expertise in a range or in specific areas of law such as criminal law corporate law family and estate law patent law real estate law or tax law."
Musical groups & artists (71130)	Repeat		
Music education & schools (611610)	Misleading designation	Fine Arts Schools	This industry comprises establishments primarily engaged in offering instruction in the arts including dance art drama and music."
Music agents & managers (711400)	711400 is not a valid 2012 NAICS code.		closest designation is 711410 Agents and Managers for Artists Athletes Entertainers and Other Public Figures"
Music promoters & performing arts establishments (711300)	711300 is not a valid 2012 NAICS code.		
Music promoters of performing arts with facilities (711310)	Misleading designation	Promoters of Performing Arts Sports and Similar Events with Facilities	Includes: Wrestling event promoters with facilities Theatrical production promoters with facilities Theater festival promoters with facilities Sports event promoters with facilities Rodeo promoters with facilities Promoters of sports events with facilities Promoters of festivals with facilities Promoters of live performing arts productions (e.g. concerts) with facilities Promoters of arts events with facilities Promoters of agricultural fairs with facilities Professional sports promoters with facilities Music festival promoters with facilities Horse show promoters with facilities Heritage festival promoters with facilities Festival promoters with facilities Fair promoters with facilities agricultural Fair promoters with facilities Ethnic festival promoters with facilities Dance festival promoters with facilities Concert promoters with facilities Boxing event promoters with facilities Beauty pageant promoters with facilities Arts festival promoters with facilities Arts event promoters with facilities Air show promoters with facilities
Music promoters of performing arts without facilities (711320)	Misleading designation	Promoters of Performing Arts Sports and Similar Events without Facilities	This industry comprises promoters primarily engaged in organizing promoting and/or managing live performing arts productions sports events and similar events such as state fairs county fairs agricultural fairs concerts and festivals in facilities that are managed and operated by others. Theatrical (except motion picture) booking agencies are included in this industry.
Music performing arts companies (711100)	711100 is not a valid 2012 NAICS code.		
Other music performing arts companies (711190)	Misleading designation	Other Performing Arts Companies	This industry comprises companies or groups (except theater companies dance companies musical groups and artists) primarily engaged in producing live theatrical presentations. Illustrative Examples: Carnival traveling shows Ice skating companies Circuses Magic shows
Music record reproducing companies (334612)	334612 is not a valid 2012 NAICS code		
Music, audio and video equipment manufacturers (334310)	Misleading designation CR added "music"	Audio and Video Equipment Manufacturing	This industry comprises establishments primarily engaged in manufacturing electronic audio and video equipment for home entertainment motor vehicles and public address and musical instrument amplification. Examples of products made by these establishments are video cassette recorders televisions stereo equipment speaker systems household-type video cameras jukeboxes and amplifiers for musical instruments and public address systems."
Music radio networks (515111)	Misleading designation CR added "music"	Radio Networks	"This U.S. industry comprises establishments primarily engaged in assembling and transmitting aural programming to their affiliates or subscribers via over-the-air broadcasts cable or satellite. The programming covers a wide variety of material such as news services religious programming weather sports or music.
Music radio stations (515112)	Misleading designation CR added "music"	Radio Stations	"This U.S. industry comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio from an affiliated network or from external sources."
Music archives & libraries (519120)	Misleading designation CR added "music"	Libraries and Archives	"This industry comprises establishments primarily engaged in providing library or archive services. These establishments are engaged in maintaining collections of documents (e.g. books journals newspapers and music) and facilitating the use of such documents (recorded information regardless of its physical form and characteristics) as are required to meet the informational research educational or recreational needs of their user. These establishments may also acquire research store preserve and generally make accessible to the public historical documents photographs maps audio material audiovisual material and other archival material of historical interest. All or portions of these collections may be accessible electronically."
Music business & management consultants (541611)	Misleading designation	Administrative Management and General Management Consulting Services	"This U.S. industry comprises establishments primarily engaged in providing operating advice and assistance to businesses and other organizations on administrative management issues such as financial planning and budgeting equity and asset management records management office planning strategic and organizational planning site selection new business startup and business process improvement. This industry also includes establishments of general management consultants that provide a full range of administrative; human resource; marketing; process physical distribution and logistics; or other management consulting services to clients."
Music collection agencies & performance rights organizations (561440)	Misleading designation	Collection Agencies	"This industry comprises establishments primarily engaged in collecting payments for claims and remitting payments collected to their clients. Illustrative Examples: Account or delinquent account collection services Tax collection services on a contract or fee basis Bill or debt collection services"
Music therapists (621340)	Misleading designation	Offices of Physical Occupational and Speech Therapists and Audiologists	"This industry comprises establishments of independent health practitioners primarily engaged in one of the following: (1) providing physical therapy services to patients who have impairments functional limitations disabilities or changes in physical functions and health status resulting from injury disease or other causes or who require prevention wellness or fitness services; (2) planning and administering educational recreational and social activities designed to help patients or individuals with disabilities regain physical or mental functioning or to adapt to their disabilities; and (3) diagnosing and treating speech language or hearing problems. These practitioners operate private or group practices in their own offices (e.g. centers clinics) or in the facilities of others such as hospitals or HMO medical centers."
Music business associations (813910)	Misleading designation CR added "music"	813910 Business Associations	"This industry comprises establishments primarily engaged in promoting the business interests of their members. These establishments may conduct research on new products and services; develop market statistics; sponsor quality and certification standards; lobby public officials; or publish newsletters books or periodicals for distribution to their members."
Music coalitions, associations, organizations, information centers & export offices (813920)	Misleading designation	813920 Professional Organizations	"This industry comprises establishments primarily engaged in promoting the professional interests of their members and the profession as a whole. These establishments may conduct research; develop statistics; sponsor quality and certification standards; lobby public officials; or publish newsletters books or periodicals for distribution to their members."
Music unions (813930)	Misleading designation	813930 Labor Unions and Similar Labor Organizations	"This industry comprises establishments primarily engaged in promoting the interests of organized labor and union employees."
Music public relations agencies (541820)	Misleading designation CR added "music"	541820 Public Relations Agencies	
Music journalists & bloggers (711510)	Misleading designation	711510 Independent Artists Writers and Performers	"This industry comprises independent (i.e. freelance) individuals primarily engaged in performing in artistic productions in creating artistic and cultural works or productions or in providing technical expertise necessary for these productions. This industry also includes athletes and other celebrities exclusively engaged in endorsing products and making speeches or public appearances for which they receive a fee. Illustrative Examples: Independent actors or actresses Independent producers Independent art restorers Independent recording technicians Independent artists (except musical commercial or medical) Independent speakers Independent cartoonists Independent theatrical costume designers Independent dancers Independent theatrical lighting technicians Independent journalists"
Internet Music radio station (519130)	Misleading designation	519130 Internet Publishing and Broadcasting and Web Search Portals	"This industry comprises establishments primarily engaged in (1) publishing and/or broadcasting content on the Internet exclusively or (2) operating Web sites that use a search engine to generate and maintain extensive databases of Internet addresses and content in an easily searchable format (and known as Web search portals). The publishing and broadcasting establishments in this industry do not provide traditional (non-Internet) versions of the content that they publish or broadcast. They provide textual audio and/or video content of general or specific interest on the Internet exclusively. Establishments known as Web search portals often provide additional Internet services such as e-mail connections to other web sites auctions news and other limited content and serve as a home base for Internet users. Illustrative Examples: Internet book publishers Internet sports sites Internet entertainment sites Internet video broadcast sites Internet game sites Internet news publishers Internet periodical publishers Internet radio stations Internet search portals Web search portals Internet search web sites"
Music broadcasters (515120)	Misleading designation	515120 Television Broadcasting	"This industry comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio from an affiliated network or from external sources."
Music video producers (512110)	Misleading designation	512110 Motion Picture and Video Production	"This industry comprises establishments primarily engaged in producing or producing and distributing motion pictures videos television programs or television commercials."
Music marketing services (541613)	Misleading designation	541613 Marketing Consulting Services	"This U.S. industry comprises establishments primarily engaged in providing operating advice and assistance to businesses and other organizations on marketing issues such as developing marketing objectives and policies sales forecasting new product developing and pricing licensing and franchise planning and marketing planning and strategy. Illustrative Examples: Customer services management consulting services New product development consulting services Marketing management consulting services Sales management consulting services"
Music & audio engineers (541330)	Misleading designation	541330 Engineering Services	"This industry comprises establishments primarily engaged in applying physical laws and principles of engineering in the design development and utilization of machines materials instruments structures processes and systems. The assignments undertaken by these establishments may involve any of the following activities: provision of advice preparation of feasibility studies preparation of preliminary and final plans and designs provision of technical services during the construction or installation phase inspection and evaluation of engineering projects and related services. Illustrative Examples: Civil engineering services Environmental engineering services Construction engineering services Mechanical engineering services Engineers' offices"
Music ticketing (561599)	Misleading designation	561599 All Other Travel Arrangement and Reservation Services	"This U.S. industry comprises establishments (except travel agencies tour operators and convention and visitors bureaus) primarily engaged in providing travel arrangement and reservation services. Illustrative Examples: Condominium time-share exchange services Ticket (e.g. airline bus cruise ship sports theatrical) offices Reservation (e.g. airline car rental hotel restaurant) services Ticket (e.g. amusement sports theatrical) agencies Road and travel services automobile clubs"
Music recreation establishments (722410)	Misleading designation	722410 Drinking Places (Alcoholic Beverages)	"This industry comprises establishments known as bars taverns nightclubs or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services."
Music fans/clubs (813410)	Misleading designation	813410 Civic and Social Organizations	"This industry comprises establishments primarily engaged in promoting the civic and social interests of their members. Establishments in this industry may operate bars and restaurants for their members. Illustrative Examples: Alumni associations Granges Automobile clubs (except travel) Parent-teacher associations Booster clubs Scouting organizations Ethnic associations Social clubs Fraternal lodges Veterans' membership organizations"

EXHIBIT E

Echo Nest / Spotify

Founded in 2005, the Echo Nest is the industry's leading music intelligence company, providing developers with the deepest understanding of music content and music fans. Leading music services (Clear Channel's iHeartradio, MOG, Rdio, SiriusXM, Spotify, Warner Music), editorial, video and social media networks (BBC.com, Foursquare, MTV, Twitter, VEVO, Yahoo!), connected device manufacturers (doubleTwist, Nokia) and big brands (Coca Cola, Intel, Microsoft, Reebok) and a community of about 7,000 independent app developers use the Echo Nest platform and solutions to build smarter music experiences that help fans to better discover, share and interact with the music they love. The Echo Nest's customer base reaches over 100 million music fans every month through more than 400 apps and sites powered by The Echo Nest/ Powered by the world's only machine learning system that actively reads about and listens to music everywhere on the web, The Echo Nest opens up a massive repository of dynamic music data to application developers to re-shape how we all experience music.

The Echo Nest's Dynamic Music Data solution is the most comprehensive, constantly updated, socially connected feed of music information. Every day EchoNest aggregates a real-time feed of the best images, bios, blog posts, news, social conversations, and more -- **across millions of artists and 30 million+ songs**. The Echo Nest's intelligent stream of music data helps customers show their millions of fans what's actually happening in the music world, right now, while eliminating costly dependencies on stale metadata sources.

Website: Echonest.com

EXHIBIT F

IP JUSTICE

IP Justice is an International Civil Liberties Organization that Promotes Internet Freedom, Innovation Policy, and Balanced Intellectual Property Rights.

www.ipjustice.org

12 August 2015

To: Dr. Steve Crocker, Chairman of the ICANN Board
Steve.crocker@icann.org
Fadi Chehadé, ICANN President and CEO
Fadi.chehade@icann.org
newgtlds@icann.org

Re: Opposition to .MUSIC “Community” Application Based on Freedom of Expression and Innovation Policy Concerns

Dear ICANN:

I write as Executive Director of IP Justice to express our opposition to the so-called “community” application by DotMusic Limited, <http://music.us/> (“Music.US”), for the .MUSIC new gTLD string, Application ID 1-1115-14110 (the “Application”).

Founded in 2002 as a California non-profit public benefit corporation, IP Justice is an international civil liberties organization that promotes Internet freedom, innovation policy, and balanced intellectual property rights. IP Justice participates in various international law and Internet policy arenas, which, in addition to ICANN, include the World Intellectual Property Organization (WIPO) and the Internet Governance Forum (IGF) of the United Nations (UN); IP Justice has been as an accredited consultant with the UN’s Economic and Social Council (ECOSOC) since 2003.

IP Justice represents members from all corners of the globe and from a diversity of interests, all seeking laws and policies that promote online freedom. Our members include intellectual property attorneys such as myself who have actively represented clients in transactional and litigation matters involving music, publishing, and other subjects of copyright. To the extent Music.US claims to represent intellectual property interests and music attorneys, I can certainly say that is not the case with respect to those of us in IP Justice and similar digital rights organizations, which share our values regarding lawful public access to protectable expression for which creators should and deserve to be compensated. Indeed, it appears that the Music.US application as drafted would discriminate against organizations such as ours that would have a legitimate interest in registering .MUSIC domain names but may not qualify to do so until, if at all, after a “sunrise” period and two “land rush” layers during which apparently preferred interests have earlier opportunities to do so.

ICANN’s “community” designation has been used in practice principally by applicants seeking to assert exclusive rights over discussion subjects and means of expression that appeal to a broader public, to whom the so-called “community” applicant would effectively deny or artificially limit access to expression. “Communities” as conceived by applicants

overwhelmingly tend to favor entrenched industry organizations and interests while marginalizing innovators and the substantially larger number of individual “members” that the applicant claims to represent in name but does not in fact. As a result, gTLD community applications have devolved into “beauty contests” that end up restricting numerous lawful and legitimate uses of domain names, stifling the free expression that ICANN claims to promote in its Bylaws and its new gTLD program rules.

The concerns that free speech organizations like IP Justice have with the “community” TLD concept are exemplified clearly by the so-called community application for .MUSIC. Aside from undermining an inclusive model of free competition and free expression, Music.US claims “community” status as a monopoly that ignores a simple reality: that “music” impacts everyone, not merely the large industry associations and groups alleged to comprise the community.

Indeed, it is my understanding that Music.US has sought to eliminate every other applicant competing for the .MUSIC gTLD by interposing every objection conceivably available to it under the new gTLD Applicant Guidebook. It succeeded on none, largely for the reasons that IP Justice opposes granting it community priority. As one panel aptly put it:

Music appeals to nearly all mankind. Just because there is one word covering all kinds of music does not make all mankind into a “music community” – the word will not stretch that far. There is no public recognition of such a thing as the “music community.” There are no boundaries, formal or informal for what it might be and how one says someone is within it or without it.

Case No. EXP/467/ICANN/84, Expt. Determination ¶ 27. Despite straining to understand, the expert panel was “not at all clear what [Objector] says the music community is.” *Id.* ¶ 28. Absent discerning a clear delineation of the community, the panel found instead that “[t]he supposed community is formless – there are no boundaries, formal or informal for it” *Id.* ¶ 29.

As a free speech organization, IP Justice agrees that a term as broad and widely touching as “music” does not, and cannot, describe an exclusive “community,” and believes that any attempt to utilize the term in such a fashion stifles competition and chills free expression on the Internet. Control of a string referencing as ubiquitous a concept as “music” ought not be restricted to resourceful industry insiders and their affiliates. Rather, access to that domain must be available to “all mankind” in accordance with the most universal understanding of free speech to which ICANN subscribes. ICANN should not be restricting those who want to use the word music in such an overbroad and arbitrary manner as proposed in the Application.

ICANN’s decisions and actions are required to be guided by the organization’s “mission and core values” as described in ICANN’s corporate bylaws. Specifically, Bylaws Article I, Section 2 includes the “core values” of respecting the creativity, innovation, and flow of information made possible by the Internet; depending on market mechanisms to promote and sustain a competitive environment; and introducing and promoting competition in the

registration of domain names.¹ Awarding the .music TLD to Music.US to restrict the use of the word to such an exclusive and arbitrary category of people who enjoy music would be contrary to ICANN’s core values of promoting competition and the free flow of information. The chilling effects on both individual free expression and on competition in the domain name industry from the Application are factors that the organization is legally bound to consider.

The 2008 “New GTLD Policy Principles and Recommendations” approved by both the GNSO and ICANN’s Board provided explicit protection for freedom of expression rights in Principle G, and Policy Recommendations 3 and 6 for the new GTLD program.² The

¹ ICANN Corporate Bylaws, Article I:
Section 2. CORE VALUES

In performing its mission, the following core values should guide the decisions and actions of ICANN:

1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.
2. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.
3. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.
4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.
5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.
6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.
7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.
11. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.

² ICANN New GTLD Principles and Recommendations (approved 2008):

- New GTLD Policy Principle G:
“The string evaluation process must not infringe the applicant’s freedom of expression rights that are protected under internationally recognized principles of law.”
- New GTLD Policy Recommendation 3:
“Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law... Examples of these legal rights include ... the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (*in particular freedom of expression rights*).”

Application, however, would excessively chill expression about music, something that touches every human heart and all have a right to discuss equally.

Moreover, the Application fails to demonstrate its own asserted justification for artificially limiting access to a .MUSIC domain – ostensibly, the protection of intellectual property rights. Music.US appears to propose WHOIS data verification and use, anti-abuse and dispute resolution policies that other .MUSIC applicants likewise offer. Purporting to restrict domain-name access to those establishing their music “community” affiliation, particularly given the breadth with which Music.US describes the alleged community, offers no guarantee against piracy. Rather, it hinders those with legitimate interests in music from accessing the .MUSIC domain as Music.US would operate it. Ultimately, a .MUSIC or any other domain must rely on the same types of reporting, take-down, dispute resolution and other enforcement mechanisms that Music.US non-uniquely identifies in its Application.

For the many important foregoing reasons, and in particular, to promote free expression and open competition in the domain name industry, IP Justice strongly opposes granting the Application any “community” priority.

Respectfully submitted,

Robin Gross
IP Justice Executive Director

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- New GTLD Policy Recommendation 6:
“Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.” Recommendation 6 goes on to cite as examples of these legal norms, rights provided by the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, both of which guarantee freedom of expression in any media and regardless of frontiers.

EXHIBIT G

9/24/2014

Dear ICANN,

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

Please post the letter to your Correspondence page.

Thank you.

Rick Carnes

President,

Songwriters Guild of America

www.songwritersguild.com

5120 Virginia Way

Suite C-22

Brentwood, TN 37027

F) 615-630-7501

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

24 September 2014

Dear ICANN:

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

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

Given the impact the .MUSIC string will have on the Music community, it is critically important for it to be operated by and for members of the community. In previous correspondence¹ the Music community described the comprehensive RFI process that was undertaken in 2011 to evaluate potential applicants for the .MUSIC gTLD.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for this opportunity to share our views.

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

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

Yours sincerely,

American Society of Composers, Authors and Publishers (ASCAP)

Australasian Mechanical Copyright Owners Society (AMCOS)

Australasian Performing Right Association (APRA)

Harry Fox Agency (HFA)

International Confederation of Authors and Composers Societies (CISAC)

International Confederation of Music Publishers (ICMP)

International Council of Music Authors (CIAM)

European Composer and Songwriter Alliance (ECSA)

Alliance of Latin American Creators of Music (ALCAM)

Pan-African Composer and Songwriter Alliance (PACSA)

International Federation of Musicians (FIM)

Music Creators of North America (MCNA)

The Songwriters Guild of America

The Songwriters Guild Foundation

Songwriters Association of Canada

Screen Composers Guild of Canada

Société professionnelle des auteurs et des compositeurs du Québec

Society of Composers and Lyricists

Music Producers Guild (UK)

Nashville Songwriters Association International (NSAI)

National Music Publishers Association (NMPA)

SESAC

American Society of Composers, Authors and Publishers (ASCAP)

www.ascap.com

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

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

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

Australasian Mechanical Copyright Owners Society (AMCOS)

www.apraamcos.com.au

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

Australasian Performing Right Association (APRA)

www.apraamcos.com.au

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

Harry Fox Agency (HFA)

www.harryfox.com

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

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

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

International Confederation of Authors and Composers Societies (CISAC)

www.cisac.org

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

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

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

International Confederation of Music Publishers (ICMP)

www.icmp-ciem.org

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

International Council of Music Authors (CIAM)

ciamcreators.org

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

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

The European Composer and Songwriter Alliance (ECSA)

www.composeralliance.org

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

The Pan-African Composers and Songwriters Alliance (PACSA)

The Alliance of Latin American Creators of Music (ALCAM)

www.alcamusica.com

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

International Federation of Musicians (FIM)

www.fim-musicians.org

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

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

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

Music Creators of North America (MCNA)

www.musiccreatorsalliance.com

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

The Songwriters Guild of America

www.songwritersguild.com

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

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

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

The Songwriters Guild Foundation

www.songwritersguildfoundation.com

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

Songwriters Association of Canada

www.songwriters.ca

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

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

Screen Composers Guild of Canada

www.screencomposers.ca

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

The Screen Composers Guild of Canada aims to:

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

Société professionnelle des auteurs et des compositeurs du Québec

www.spacq.qc.ca/fr

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

Society of Composers and Lyricists

thescl.com

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

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

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

Music Producers' Guild (MPG) UK/EU

www.mpg.org.uk

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

Nashville Songwriters Association International (NSAI)

nashvillesongwriters.com

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

National Music Publishers Association (NMPA) USA

www.nmpa.org

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

SESAC

www.sesac.com

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