



representing the
recording industry
worldwide

24 February 2016

Dr. Steve Crocker
Chairman of the Board
ICANN
(steve.crocker@icann.org)

Mr Fadi Chehadé
CEO
ICANN
(fadi.chehade@icann.org)

Mr Chris Disspain
Chair of the Board Governance Committee
ICANN
(chris.disspain@icann.org)

By email

Dear Messrs Chehadé, Crocker and Disspain

.MUSIC COMMUNITY PRIORITY EVALUATION REPORT APPLICATION ID. 1-1115-14110

We write following the publication of the .MUSIC Community Priority Evaluation (CPE) Report for Application ID. 1-1115-14110 (the "DotMusic" application), which found that the applicant had failed to establish that it represents the music community for the purposes of ICANN's CPE evaluation. We believe the finding to be flawed, not least in view of the support for the application provided by representative organisations from all areas of the music community, including IFPI. Given the scale of the music community's support for the DotMusic application, it is difficult to understand what level of support a CPE applicant would need to demonstrate to prevail, and this gives rise to serious misgivings about the transparency, consistency, and accountability of the CPE process.

On 5th March, IFPI co-signed a letter to ICANN from a coalition of national and international trade associations representing songwriters; recordings artists, music publishers, record labels, studio professionals, and performing rights societies around the world. In that letter we expressed our shared disappointment with the CPE process, highlighting the disparity

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between the decisions of the EIU Panel. Unfortunately, these inconsistencies have continued in the EIU Panel's evaluation of the DotMusic application. We have read DotMusic Limited's Request for Reconsideration, and we note with concern the different criteria that appear to have been applied to the .HOTEL and .MUSIC CPE applications respectively.

Also of concern is the EIU Panel's finding that DotMusic failed to provide documented support from "recognised community institution(s)/member organization(s)". IFPI is a globally recognised organisation representing 1,300 record companies. Our members operate in 61 countries and IFPI has affiliated organisations, including national groups in 57 countries. We also administer the internationally recognised ISRC system. We therefore object to the EIU Panel's finding.

We previously provided our support for the DotMusic application in our letter dated 18 May 2015, in which we expressed the importance of the .MUSIC gTLD being administered by an applicant that had committed to meaningful and robust safeguards to protect against online infringement. This remains crucial to the music community, as expressed in the numerous letters of support provided by members of our community. We reiterate that given the Public Interest Commitments submitted by DotMusic Limited for their community application, we understand that DotMusic has made such commitments. Accordingly, we continue to support this applicant (in addition to our support for the other community priority applicant for .music) and we request that ICANN gives due recognition to the music community's support when making a determination on the DotMusic Reconsideration Request.

Yours sincerely



Patrick Charnley
Senior Legal Policy Adviser

Copy (By email): ICANN Board Governance Committee