

GAC Advice Response Form for Applicants



The Governmental Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV, Annex I, and Annex II of the [GAC Beijing Communiqué](#) for the full list of advice on individual strings, categories of strings, and strings that may warrant further GAC consideration.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for their consideration. Complete this form and submit it as an attachment to the ICANN Customer Service Center via your [CSC Portal](#) with the Subject, “[Application ID] Response to GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	DotMusic Limited
Application ID	1-1115-14110
Applied for TLD (string)	MUSIC

Response:

DotMusic commends GAC for its advice corresponding to sensitive strings, namely music-themed strings which are highly vulnerable to piracy and copyright infringement to serve the global public interest and the creator community at-large. We agree that applications for sensitive strings (such as .MUSIC, .TUNES, .SONG and .BAND.) without enhanced safeguards that protect copyright as well as appropriate policies that do not proactively protect intellectual property and mitigate abuse should be disqualified. Furthermore, we fully agree with GAC's assessment on the issues of exclusive and restricted access to TLDs. If legitimate members of a community are excluded from registration that would constitute material harm to the legitimate interests of a significant portion of that corresponding community. Any application that is not inclusive of all legitimate constituents, such as "Do-It-Yourself" artists or music fans, creates a likelihood of material harm, anti-competitive issues and unfair discrimination, and should be disqualified. These points were also reiterated in the music-themed Community Objections we filed with the International Chamber of Commerce (ICC) for the strings .MUSIC, .TUNES, .SONG and .BAND.

We would also like to strongly reiterate that ICANN must uphold their "New gTLD Application Change Request Process and Criteria" rules in some cases where material changes to competing applications would negatively harm some applicants (who have already incorporated and surpassed GAC's safeguard advice in their application) and benefit others in the process. Such changes by competing applicants would be deemed material (<http://newgtlds.icann.org/en/applicants/customer-service/change-requests>) and would negatively affect and inflict harm on our community-based application since our application's policies surpass GAC's safeguards and we have incorporated additional safeguards to serve the interests of the music community. It would be deemed grossly unfair for competing applicants to be allowed to materially change their applications as a direct response to GAC advice and Community Objections (such as those we filed with the ICC against .MUSIC, .TUNES, .SONG, .BAND applicants outlining the same issues that GAC has expressed in their Beijing

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Communique). We agree and reiterate GAC's advice "that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information."

Through our public meetings (<http://www.music.us/events.htm>) and interactions with the global music community, we have incorporated the most enhanced safeguards of any .music applicant (or any other applicant that relates to a sensitive string strongly associated to copyright) and will continue to develop more technology to further thwart piracy and enable stronger copyright protection. We agree with GAC's advice that strings, such as music-themed strings, "are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm."

Our application's safeguards surpass those illustrated in GAC's Communique including:

- a) WHOIS Verification System to verify WHOIS accuracy in the form of email and phone authentication of registrants. As indicated in our community-based application, DotMusic will work dedicatedly and directly with law-enforcement agencies, authorities, ICANN working Groups, and other security experts in the ongoing development of promoting WHOIS data accuracy.
- b) Certification by Registrant that the domain name will be used only for licensed, legitimate activities, and not to facilitate piracy
- c) Rightsholder Complaint Mechanism that certification is being violated or that piracy or other abuses are being enabled. Complaints trigger registry and registrar investigations, with prompt notice to registrants, a reasonable opportunity for them to respond, and corrective action will take place in the case of violations
- d) Auditing Mechanism that certification is being respected with appropriate remediation steps following when violations are detected.
- e) Negative consequences for registrants who violate certification, allow infringing activities, conduct abusive behavior and falsify registrant contact and WHOIS data.
- f) Rotating multi-stakeholder board of neutral and fair representation of all music constituents, including commercial and non-commercial entities. As part of our community-based mission we have established a working relationship with relevant bodies within the music community (<http://www.music.us/supporters.htm>) and have work closely with them to develop our policies to serve the music community, to protect intellectual property and mitigate abuse. We agree with the GAC Beijing Communique that applicants must "establish a working relationship with the relevant regulatory, or industry self--regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities" so there is no conflict of interest in the management of music-themed strings and that they are operated in the global public interest and serving the creator community, not harming them. We agree that non-community-based application that does not incorporate a multi-stakeholder governance of relevant bodies and constituents must be disqualified.

We are the ONLY music-themed string applicant (or any other applicant that relates to a sensitive string strongly associated to copyright) that includes:

- (i) Name Selection Policy to ensure only music-related names are registered as domains under .MUSIC, with the following restrictions: (1) A name of (entire or portion of) the musician, band,

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company, organization, e.g. the registrants “doing business as” name (2) An acronym representing the registrant (3) A name that recognizes or generally describes the registrant, or (4) A name related to the mission or activities of the registrant. This policy is central to preventing cybersquatting and not allowing illegitimate 3rd-parties from registering others’ names

(ii) Music-dedicated Usage Policy that ensures usage and content only relate to music activities. This raises the quality level of .music domains and ensures that non-music related content, such as pornography, is not acceptable

(iii) Dedicated Music Policy and Copyright Infringement Dispute Resolution Policy (MPCIDRP)

(iv) Globally Protected Marks List that includes RIAA-certified platinum artists/bands and globally-recognized music brands

(v) Random compliance audits

(vi) Registrant validation and authentication of email and phone

We are also developing further safeguard enhancements in the form of content theft protection mechanisms such as content crawling and fingerprinting technology which may be used in conjunction with our premium channels and song registry as described in our application.

The primary objective of our enhanced safeguards is to improve user experience in terms of providing higher quality, legal music-focused destinations and to ensure that .music becomes a haven for legal consumption where monies flow to the music community not pirates or illegitimate sites.

We support any measure ICANN will incorporate to protect the intellectual property of the creator community and ensure that strings that are associated with copyright are not abused by pirates and bad actors.