

March 5, 2015

Dr. Steve Crocker
Chairman of the Board
ICANN

Mr. Fadi Chehade
CEO
ICANN

Dear Messrs. Crocker & Chehade:

We write to you on behalf of a coalition of over 15 national and international trade associations that represent songwriters, recording artists, music publishers, record labels, studio professionals, and performing rights societies around the world. The coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world's commercial music, and are further described in Appendix A.

As we have noted in various meetings with and letters to ICANN in the past, our overriding concerns are to ensure that the internet ecosystem is a safe, vibrant, and innovative place where legitimate music creation, access, and distribution can thrive. In light of this, we expect all in the internet ecosystem to take responsible measures to deter copyright infringement to help meet this goal.

As you can imagine, we were encouraged recently when the new gTLD registry agreement and the 2013 RAA agreement included provisions to deter copyright abuse. These included the PIC safeguards for the new gTLDs, and obligations for registrars to investigate copyright abuse complaints and respond appropriately. We were also encouraged to see that the two community applicants for .music included several measures to deter and address copyright infringement within that TLD.

However, we have been disappointed with issues that have plagued the .music community applicant priority evaluations as well as ICANN's treatment of copyright abuse complaints that have been filed to date. For example, we do not understand how there has been such disparate analysis of various economic communities within the community priority evaluation. We further do not see how it is an appropriate response from a registrar to tell a complainant that it has investigated or responded appropriately to a copyright abuse complaint by stating it does not provide non-registrar related services to the site in question. These developments also raise alarm bells for us as to how copyright abuse complaints will be addressed in second level domains in the new gTLDs as these begin to proliferate, including but by no means limited to .music.

As members of the ICANN community, we expect the community application process, as well as the provisions in the noted contracts concerning abuse, to have meaning, and for both the community preference criteria and the contractual standards to be interpreted thoughtfully, diligently, and in a responsible manner. We expect this to occur in light of the public interest and with consumer safety in mind, which includes protection of a person's expression. We believe that developments to date do not fulfill these reasonable expectations.

We strongly urge you to take these concerns seriously, and to expeditiously implement appropriate changes to address them. We need practical solutions to these issues, and believe that ICANN's ability to provide them will be a critical test of its accountability to serve the public interest and to protect consumers and the rule of law online. Please contact us if you have any comments or questions, or would like to meet to discuss best practices that would help resolve these problems.

Regards,



Victoria Sheckler
Senior Vice President, Deputy General Counsel
Recording Industry Association of America
1025 F. St, NW, 10th Floor, Washington, DC 20004

on behalf of:

- American Association of Independent Music (A2IM).
- Association of Independent Music (AIM).
- Broadcast Music, Inc. (BMI).
- Church Music Publishers Association (CMPA).
- International Confederation of Authors and Composers Societies (CISAC).
- International Confederation of Music Publishers (ICMP).
- IMPALA – Independent Music Companies Association.
- International Federation of Musicians (FIM).
- International Federation of Phonographic Industries (IFPI).
- Nashville Songwriters Association International (NSAI).
- National Music Publishers Association (NMPA).
- The National Music Council.
- The Recording Academy.
- Recording Industry Association of America (RIAA).
- The Society of European Stage Authors and Composers (SESAC).
- Songwriters Guild of America (SGA).
- The Worldwide Independent Music Network ("[WIN](#)")

Appendix A

American Association of Independent Music (A2IM). A2IM is a 501(c)(6) not-for-profit trade organization, headquartered in New York City, representing a broad coalition of over 350 Independently-owned American recording label small and medium-sized enterprises (SMEs) and which has over 140 associate members (companies who don't own masters but rely upon, provide services for, or otherwise support independent music labels) . The organization represents the Independents' interests in the marketplace, in the media, on Capitol Hill, and as part of the global music community and support a key segment of America's creative class and small business community which represents America's musical genre cultural diversity. *Billboard* Magazine, using Nielsen SoundScan data, identified the Independent music label sector as 35.1 percent of the music industry's U.S. recorded music sales market in 2014 based on copyright ownership making Independent labels the largest U.S. music label industry segment.

Association of Independent Music (AIM). AIM is a non-profit-making trade organization for independent record companies and distributors in the UK. Its job is to help its individual members' businesses, and to support the needs of the independent sector through information, advice, seminars, mentoring, networking, legal and business affairs guidance, work experience scheme, commercial negotiation, lobbying and bargaining, and opening access to international markets.

Broadcast Music, Inc. (BMI). BMI is an American performing right organization that represents more than 375,000 songwriters, composers and music publishers in all genres of music and more than 6.5 million works. The U.S. corporation collects license fees from businesses that use music, which it then distributes as royalties to the musical creators and copyright owners it represents.

Church Music Publishers Association (CMPA). Founded in 1926, the Church Music Publishers' Association, Inc. ("CMPA") is an organization consisting of publishers of Christian music (www.cmpamusic.org). The membership includes nearly every major church denomination, the affiliated music publishing companies of every major contemporary Christian and Gospel record label as well as music publishers who are involved in educational markets. The CMPA membership shares mutual areas of concern regarding copyright laws and protection, education and the administration and collection of royalties as well as the need to facilitate public and industry awareness in these areas.

International Confederation of Authors and Composers Societies (CISAC). CISAC works towards increased recognition and protection of creators' rights. CISAC was founded in 1926 and is a non-governmental, non-profit organisation. Its headquarters are in Paris, with regional offices in Budapest, Buenos Aires, Johannesburg and Singapore. 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). ICMP is the world trade association representing the interests of the music publishing community internationally. The constituent members of ICMP are music publishers' associations from Europe, Middle East, North and South America, Africa and Asia-Pacific. Included are the leading independent multinational and

international companies, and regional and national music publishers, mainly SMEs, throughout the world. As the voice and point of reference of music publishers, and the community of composers and songwriters they represent, ICMP's mission is to increase copyright protection internationally, encourage a better environment for business and act as an industry forum for consolidating global positions.

IMPALA – Independent Music Companies Association. IMPALA was established in April 2000 at the initiative of prominent independent labels and national trade associations. It is an international non profit-making organisation with a scientific and artistic purpose. Impala has over 4,000 members including top independents and national trade associations.

International Federation of Musicians (FIM). The International Federation of Musicians (FIM), founded in 1948, is the only body representing professional musicians worldwide. Its membership consists of trade unions, guilds and associations in more than 60 countries on all continents. The Federation's main objective is to protect and further the economic, social and artistic interests of musicians organised in member unions.

International Federation of Phonographic Industries (IFPI). IFPI represents the recording industry worldwide, with a membership comprising some 1400 record companies in 72 countries and affiliated industry associations in 44 countries. IFPI's mission is to promote the value of recorded music, safeguard the rights of record producers and expand the commercial uses of recorded music in all markets where its members operate.

Nashville Songwriters Association International (NSAI). NSAI consists of a body of creative minds, including songwriters from all genres of music, professional and amateur, who are committed to protecting the rights and future of the profession of songwriting, and to educate, elevate, and celebrate the songwriter and to act as a unifying force within the music community and the community at large.

National Music Publishers Association (NMPA). NMPA is the largest U.S. music publishing trade association in the United States. 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.

The National Music Council. Founded in 1940 and chartered by the 84th Congress in 1956, the National Music Council represents the United States to the International Music Council/UNESCO. The Council acts as a clearing house for the joint opinion and decision of its members and is dedicated to strengthening the importance of music in our life and culture.

The Recording Academy. Established in 1957, The Recording Academy is an organization of musicians, songwriters, producers, engineers and recording professionals that is dedicated to improving the cultural condition and quality of life for music and its makers. Internationally known for the GRAMMY Awards — the preeminent peer-recognized award for musical excellence and the most credible brand in music — The Recording Academy is responsible for groundbreaking professional development, cultural enrichment, advocacy, education and

human services programs. The Academy continues to focus on its mission of recognizing musical excellence, advocating for the well-being of music makers and ensuring music remains an indelible part of our culture.

The Society of European Stage Authors and Composers (SESAC). SESAC is a performing rights organization with headquarters in Nashville and offices in New York, Los Angeles, Atlanta, Miami and London. 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.

Recording Industry Association of America (RIAA). RIAA is the trade group that represents the U.S. recording industry. Its mission is to foster a business and legal climate that supports and promotes its members' creative and financial vitality. Its members are the record companies that comprise the most vibrant national music industry in the world. RIAA members create, manufacture and/or distribute approximately 85% of all legitimate sound recordings produced and sold in the United States. In support of this mission, the RIAA works to protect intellectual property rights worldwide and the First Amendment rights of artists; conducts consumer, industry and technical research; monitors and reviews state and federal laws, regulations and policies; and certifies sales awards with its Gold and Platinum program.

Songwriters Guild of America (SGA). 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 Worldwide Independent Music Network (WIN). The Worldwide Independent Music Industry Network (WIN) is a global forum for the professional independent music industry. It was launched in 2006 in response to business, creative and market access issues faced by the independent sector everywhere. For independent music companies and their national trade associations worldwide, WIN is a collective voice. It also acts as an advocate, instigator and facilitator for its membership.