



The Internet Corporation for Assigned Names and Numbers

7 January 2016

Mr. Rick Carnes
President, Songwriters Guild of America

Re: Enforceability of Safeguards for .MUSIC gTLD

Dear Mr. Rick Carnes:

Thank you for your email of 21 December 2015 to Dr. Stephen Crocker. We have published it to the gTLD correspondence page (<https://www.icann.org/en/system/files/correspondence/carnes-to-crocker-redacted-21dec15-en.pdf>), so that your inquiry as well as ICANN's response will be available to the wider community. We have provided clarification regarding the enforceability of the safeguards relating to DotMusic Limited's application for .MUSIC (application ID 1-1115-14110) below.

Your letter asks "whether such Enhanced Safeguards can and will be adopted in such a way as to require mandatory acceptance and enforcement as to community applicants in the current process." In order to operate a registry, a new gTLD applicant is required to enter into a Registry Agreement with ICANN. The terms of the Registry Agreement are enforceable through ICANN Contractual Compliance. In addition to the standard terms in the Registry Agreement, there are additional terms that may be included within the Registry Agreement for some gTLDs. We have outlined those which we believe are most relevant to DotMusic Limited's application for .MUSIC.

First, ICANN's Governmental Advisory Committee identified a list of strings linked to regulated or professional sectors, and proposed specific safeguards that would apply to a broad category of strings related to "consumer protection, sensitive strings, and regulated markets."¹ Strings on this list, referred to as "Category 1" strings, require Public Interest Commitments (PICs), which have been (or will be) incorporated into Specification 11 of the Registry Agreement for the gTLDs on the Category 1 list. To view the specific safeguards that pertain to the .MUSIC gTLD, see (Category 1 Safeguards 1-3: <https://www.icann.org/en/system/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>). The Category 1 safeguards are not negotiable terms, and are enforceable through the Public Interest Commitment Dispute Resolution Procedure (PICDRP: <https://www.icann.org/resources/pages/picdrp-2014-01-09-en>) and ICANN Contractual Compliance.

Additionally, applicants have the option to incorporate additional voluntary PICs into Specification 11 of their Registry Agreements, which are also enforceable through the PICDRP and ICANN Contractual Compliance. The voluntary PICs submitted by DotMusic Limited may be viewed here (<https://gtldresult.icann.org/application-result/applicationstatus/viewstatus:downloadpicposting/1392>).

¹ See <https://www.icann.org/en/system/files/correspondence/gac-to-board-11apr13-en.pdf>



Finally, for applicants that applied as community-based applicants, such as DotMusic Limited, the applicant's proposed registration policies (as defined in the application) are incorporated into Specification 12 of the Registry Agreement. Per Section 1.2.3.2 of the Applicant Guidebook, "Material changes to the contract, including changes to the community-based nature of the gTLD and any associated provisions, may only be made with ICANN's approval." As with other terms of the Registry Agreement, these are enforceable through ICANN Contractual Compliance. Additionally, for community-based new gTLD registry operators, the registration restrictions outlined in their Registry Agreements are enforceable through the Registration Restrictions Dispute Resolution Procedure (RRDRP: <https://www.icann.org/resources/pages/rrdrp-2014-01-09-en>).

For more information about the Registry Agreement, please see (<http://newgtlds.icann.org/en/applicants/agb/base-agreement-contracting#agreement>). For more information about ICANN's Contractual Compliance Program, please see (<https://www.icann.org/resources/pages/compliance-2012-02-25-en>).

Thank you for your interest in the New gTLD Program. We hope that this information is helpful to you. If you have any questions, we encourage you to contact our Global Support Center at globalsupport@icann.org.

Sincerely,

A handwritten signature in black ink that reads "Christine A. Willett". The signature is written in a cursive, flowing style.

Christine A. Willett
Vice President, GDD Operations