

**Comments of Music Community Coalition on the Proposed Final 2013 Registrar Accreditation Agreement  
May 13, 2013**

These comments are filed on behalf of the regional, national & international trade associations identified below. We represent songwriters, recording artists, record producers, music publishers, record labels, & performing rights societies. Our members represent the people that write, sing, record, distribute and/or license over 80% of the world's commercial music.

We appreciate the opportunity to provide comments on the Proposed Final 2013 Registrar Accreditation Agreement ("Proposed RAA"). At the onset, we would like to thank the negotiating team for making substantial progress on the Proposed RAA to address false Whois data, to take steps to enforce compliance with the registration agreement, and for the other measures taken in the Proposed RAA to deter illegal or abusive activity that are facilitated through the registration and use of domain names.

Given the progress made, we were dismayed to see that the Specification on Privacy and Proxy Registrations dated April 24, 2013 ("Proposed Privacy/Proxy Spec.") does not address some of these issues in the manner contemplated generally in the Proposed RAA for Whois data. In particular, we are concerned that while the Proposed RAA includes commitments to validate/verify some Whois data, there is no similar requirement for customer information collected via a privacy/proxy service provider, nor any consequences if the information collected turns out to be false or inadequate.

We recognize that there are legitimate uses for proxy registration services if they are operated responsibly. But we also know that, today, many registrants for sites that engage in widespread online copyright infringement hide behind privacy/proxy services in order to evade any accountability. For example, Google's Copyright Transparency Report (available at <http://www.google.com/transparencyreport/removals/copyright/domains/>) lists sites for which Google has received copyright removal requests to remove search results that link to material that infringes copyrights. Of the top 40 sites listed on that report, we believe that at least 50% are registered via known privacy/proxy services. (Each of these sites has been the subject of at least 500,000 copyright removal requests to Google.)

Under the Proposed Privacy/Proxy Spec., bad actors likely will have even greater incentive in the future to turn to Privacy/Proxy services in order to frustrate legal enforcement. If only "ordinary" Whois data has to be validated, the reliance of bad actors on proxy services could increase dramatically so long as these services have no obligation to verify customer contact data, and so long as there are no consequences for registrars who tolerate such behavior.

To remedy this, we recommend that ICANN adopt amendments to the Proposed Privacy/Proxy Spec. to require registrars to (i) ensure that proxy services they (or their resellers) control verify customer contact data, and (ii) take steps to ensure compliance with these commitments.

Finally, we support the comments of the GNSO Intellectual Property Constituency on this topic, which address the points above in more detail.

Thank you for your consideration of these comments.

Sincerely,

*American Association of Independent Music  
American Federation of Musicians  
Association of Independent Music  
American Society of Composers, Authors & Publishers  
Bureau International Des Societies Gerant Les Droits D'enregistrement et de Reproduction Mecanique  
Broadcast Music, Inc.  
Church Music Publishers Association  
International Confederation of Authors & Composers Societies  
International Federation of Musicians  
International Confederation of Music Publishers  
IMPALA - Independent Music Companies Association  
International Federation of the Phonographic Industry  
National Music Council of the United States  
National Music Publishers' Association  
National Songwriters Association of America  
The Recording Academy  
Recording Industry Association of America  
SESAC  
Songwriters Guild of America*