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The .music initiative supports the overall EOI process and would like to address certain issues in regards to:

Competition and Monopolies:

ICANN bylaws state that it is mandatory for ICANN to introduce policies that promote competition and are beneficial to public interest. All the delays in the gTLD process have served the monopolies of companies such as Verisign (.com, net) pretty well. Our .music initiative is a relevant case study that has NOT been used by ICANN to illustrate to any doubters that there is economic demand. No economic studies and academic papers need to be written since we have real results submitted by users that reflect considerable demand. We have broken the world record held by the "Free Tibet" movement which received 1.25 million signatures. ICANN can point towards our initiative that has received over 1.3 million signatures from the at-large music and Internet community for launching .music. We have also amassed 2 million friends/followers across social media such as Myspace and Twitter. Are all of these milestones unimportant? We believe we have showcased that there is a viral effort by the music community that is screaming for attention that has not been recognized yet.

There is a clear demand for .music and further delays are resulting in lost opportunity and the continuance of the monopoly of Verisign and ".com." ICANN's protection of Verisign's ".com" domain and the preservation of monopolies is treading on anti-trust or anti-competitive waters. I have not seen Verisign (.com, net) or Afilias (.org, .info) support new TLDs or make a push to end all the delays. ICANN is working in the best interests of the current monopolies that dominate the domain industry.

Furthermore, there is an unfair first-mover advantage for the newly introduced Fast Track IDN ccTLDs which faced the same overarching issues that new gTLDs face. Why were these IDN ccTLDs voted in without addressing these issues? There will be ZERO competition to IDN ccTLDs and as a result no IDN alternatives for non-Latin domains. Further delays in the gTLD process will ensure that an IDN ccTLD monopoly will exist in the IDN space.

Timelines:

Timelines have been given by ICANN to launch new gTLDs many times and every time there has been a postponement which has cost me and other applicants a lot of money and time. As a newcomer to the ICANN process I find these delays and broken promises damaging to myself, the music community that we represent and other initiatives. How come it seems like we all singing the Jamiroquai song that is called "traveling without moving"? I hope ICANN keeps its promise and that the Board votes on EOIs in February.

Community Definition:

If one follows the definition of community in the latest DAG, even current gTLDs that serve communities such as .cat would fail. The .music initiative has gathered 1.3 million signatures from the music and Internet community and has amassed over 2 million followers/friends across social media such as Myspace and Twitter and based on the ICANN community definition, it does not matter. The .music initiative created a multiple-stakeholder community governance model to accurately represent and guarantee fairness and transparency within the music community. Any other definition of community is flawed, impractical and unrealistic. The .music serves ALL global cultures irrespective whether they represent commercial or non-commercial constituents.

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The .music gTLD must be legitimate and be in the public interest and not be controlled by a major corporation or coalition of commercial groups who want to benefit themselves. I suggest ICANN staff address this important issue and use some common sense as opposed to a mathematical point-system to address an initiative such as .music and how to serve the at-large music community. The .music gTLD is of great global and cultural significance since music is universal and represents world culture not just commercial interests. Definitions of community in the dictionaries are plentiful and can be interpreted in many ways. The way that the current DAG defines community is troublesome and attention needs to be given to bringing together a definition that is in the global public interest.

I have proposed "multiple-stakeholder group" community as a more realistic, practical definition that can serve communities such as music that has multiple stakeholder groups which range from commercial constituency groups to non-commercial constituency groups. In the .music example, the multiple stakeholders community governance model includes musicians, bands, industry professionals, government music export offices/art councils, major labels, indie labels, major publishers, indie publishers, manufacturers, ticketing companies, agents, managers, promoters, engineers, technology companies, music universities/educational institutions, music websites, associations, broadcasters, collection societies, media and other music companies.

Secondary Market for Pre-Registration Slots:

I believe this should NOT be permitted because it undermines the very nature of new TLDs and the process to represent the true interests of the public. An initiative such as .music has invested millions of dollars in development over the last half decade, allocated significant resources and performed global outreach efforts to create our multiple-stakeholder governance model for fair and guaranteed representation of both commercial and non-commercial constituents within the music community.

The EOI should not be used as an opportunistic investment by parties only interested in selling slots. If ICANN is truly looking for legitimate applicants with real business plans and credibility, then such behavior should not be permitted, because the ICANN TLD process should not be about buying and selling ICANN slots. ICANN is not a Ticketmaster secondary ticket selling agency. Applicants should not be allowed to flip their EOI slots to illegitimate 3rd party candidates.

GAC Input

I am disappointed that GAC has chosen not to participate in the EOI comment period. The only active GAC participant has been Bertrand de La Chapelle and I commend him for his efforts and his input in regards to multiple-stakeholder community issue which .music finds crucial to community applications. GAC input is important but it seems quite unacceptable that a day before the EOI comments close that GAC puts in a comment saying that they need to comment at a later date i.e Nairobi ICANN meeting. I find it inconsistent from GAC that they applaud new IDN ccTLDs, 4 of which are already accepted (Egypt, the Russian Federation, United Arab Emirates, and Saudi Arabia) WITHOUT addressing any of the overarching issues plaguing the gTLD process. As a possible IDN gTLD applicant for .music, I am disappointed about this double-standard from the GAC.

The GAC knew about the EOI process and chose not to comment. Why does not GAC participate in these public comments? GAC members could have sent an email outlining their opinion but in vast majority chose not to. ICANN alerted them about the comment period and should not be responsible for others lack of interest or inactivity. The official comments from GAC were submitted 1 day before the SECOND comment



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period expired, which merely alerted ICANN that “face-to-face” meetings are necessary with the community. So what is the point of public comments? Aren't they important?

I suggest GAC take a more active approach towards its obligations to the Internet community and put in its comments in a TIMELY manner. Where in the bylaws of ICANN does it say that the GAC is mandated to provide feedback on everything related to ICANN? I can point to countless public comment periods and issues where GAC has not provided official feedback. Please let me know where in the Affirmation of Commitments there is a clause that states that every ICANN affair needs to have formal “face-to-face” discussions with GAC. This is the 2nd comment period for EOI and GAC is missing in action and then complain to ICANN for not participating. This is not how policy making works. If you choose not to comment then your inactivity should be addressed appropriately by ICANN.

Trademarks

As mentioned in an email I sent to ICANN, the International Trademark Association (INTA) invited 6,000 lawyer members to flood the EOI public comments with input that is not useful or encouraging. No solutions were offered by any of the attorneys nor did they offer any constructive feedback.

The process has been delayed a few times and despite the efforts of the IRT team, there has been an outcry of unrealistic complaints from the trademark community, citing that their trademarks are in danger and that they will be forced to defensively register their brand names across all TLDs. Furthermore, they cite that new TLDs will create user confusion and will increase malicious conduct and unethical behavior.

I embarked on some research of these trademark owners to see if they had indeed registered their names across other existing generic TLDs, such as .travel, .pro, .aero, .name and .tel. The resounding answer is that they had not. I have read comments from companies such as Heinz, which did not offer solutions, but just reiterated the legal arguments that the International Trademark Association has asked them to utter in the EOI public comments. A significant amount of “me too” comments from the trademark community resulted in the flooding of the EOI public comments with opinions with no apparent proposed solutions or useful information on how to fix the problems they feared.

Let us make things clear. These were the opinions of their legal department exclusively. However in most cases, these comments do not represent the opinions of the whole organization or their sales/marketing departments. I encountered an interesting case with Sun Microsystems, who has submitted such as similar bland comment with no useful feedback to ICANN about any proposed solutions they had to fix the current issues at stake. I have been attending multiple conferences and events as part of the global outreach initiative of .music and have been approached by Sun Microsystems to collaborate together and be a possible technology partner to power our global marketplace platform we built for .music. I quote their representatives: “We are looking for exciting new projects and we believe .music is unique and Sun Microsystems can provide great value to you and help you with your technology needs.” So in one hand, the Sun legal team wants to stop new TLDs from happening and on the other hand their company is trying to partner with me and come up with a deal worth quite a significant amount of money. There is certainly a disconnect as well as a lack of communication between departments within corporations. As a result, the process lacks useful feedback and builds roadblocks to reaching solutions. How do we bring innovation in the Internet space if ICANN is being indecisive about resolving issues?

Individuals such as Michael Palage who represent the trademark community serve as ICANN insiders to stall the process. As an ex-ICANN Board member, Palage is using his vast insider knowledge, influence and connections to do whatever it takes to delay the process in exchange of pushing big corporate agendas and monies for his services. He has attacked the authenticity of .music numerous times and labeled our initiative



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as front-running, potentially using trademarks in bad faith as well as calling me an insider when I am new to this process and never in my life ever witnessed an organization like ICANN that never wants to move forward with anything. It is time for ICANN to do its job and serve the community and not continue to bow to corporate interests and agendas. I have had enough of watching these corporate attorneys drink champagnes at these meetings because ICANN is unable to make swift, timely decisions. The music community or any of the new gTLD initiatives have never even received a formal apology from ICANN for wasting our time and breaking their promises.

Let me remind ICANN that companies such as Time Warner, Yahoo, Verizon and others have used illegal practices and wild redirects to abuse as well as profit from others trademarks. This kind of typosquatting behavior has made these corporations a lot of money and they did not even get a slap on the wrist. Now they are crying foul play when entrepreneurs such as myself are trying to launch something meaningful. Verisign even launched SiteFinder, which used wild-card DNS redirect typosquatting, in an attempt to redirect *any* top-level .com or .net domain that didn't exist (either because they were not yet registered or mistyped) to a parked page that had affiliate links, information about Verisign products, and advertisements. There are plenty of cases that were revealed by George Kirikos (<http://forum.icann.org/lists/sti-report-2009/msg00048.html>) that address the issue of ICANN's lack of transparency, inconsistency in policy development and favoritism towards big corporations despite their "not-so-pleasing" track record. George Kirikos reveals that corporations like these do not represent "good" actors and that they do not work in the best interests of Internet users and society as a whole. It is all about increasing shareholder value and profits. Michele Neylon reiterates this point by outlining in a recent CircleID article that "a lot of the big brands and companies aren't as "clean" as they'd like us all to be."

Conclusion

Let us move forward with the EOI and new gTLDs. I urge ICANN to make timely decisions on the overarching issues and finally offer solutions that are pragmatic, realistic and serve public interest not corporate attorney agenda. Let us work together to introduce some new innovations in the domain space. The overarching issues should be carried out in parallel with the EOI communication/outreach process and be finalized before the EOI begins. This way by the time the EOI starts, most overarching issues should be addressed and there is a movement towards the right direction.

Respectfully,

Constantine Roussos

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