

JOINT ORGANISATION EXPERTS' OPINION

OCTOBER 11, 2016

JOINT ORGANISATION EXPERTS' OPINION ON ICANN'S .MUSIC COMMUNITY PRIORITY EVALUATION REPORT FOR DOTMUSIC'S APPLICATION WITH ID 1-1115-14110

PREPARED FOR:

**INTERNATIONAL CORPORATION OF ASSIGNED NAMES AND NUMBERS
("ICANN");**

**ORGANISED ALLIANCE OF MUSIC COMMUNITIES REPRESENTING OVER 95%
OF GLOBAL MUSIC CONSUMED ("MUSIC COMMUNITY"); AND**

DOTMUSIC LIMITED ("DOTMUSIC")

BY:

DR. NOAH ASKIN (PH.D)

INSEAD (FONTAINEBLEAU, FRANCE)
ASSISTANT PROFESSOR IN ORGANISATIONAL BEHAVIOR

EMAIL: Contact Information Redacted

DR. JOERI MOL (PH.D)

UNIVERSITY OF MELBOURNE (MELBOURNE, AUSTRALIA)
SENIOR LECTURER IN ORGANISATION STUDIES AND CO-DIRECTOR OF
CLUSTER FOR THE STUDY OF ORGANISATION SOCIETY AND MARKETS (COSM)

EMAIL: Contact Information Redacted

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EXECUTIVE SUMMARY

We respectfully submit our expert opinion on the Community Priority Evaluation (“CPE”) Report¹ issued by the Economist Intelligence Unit (“EIU”) on behalf of ICANN for DotMusic’s community-based .MUSIC Application (with ID 1-1115-14110) “that the application did not meet the requirements specified in the Applicant Guidebook.” Specifically, and in our collective view, we believe that DotMusic’s community Application was incorrectly denied community priority. We note that the information contained in this document is not legal advice and the opinion expressed herein is not a legal opinion.²

Collectively, we have decades of academic and research experience in the fields of organisational studies, sociology, economics and the music sector. Our research and publications in these subject matters and topics have been cited extensively.

Dr. Noah Askin’s research interests include social and cultural networks, status, the production and consumption of music, authenticity, organizations, and higher education in the United States. Dr. Askin’s current research also focuses on music, including chart and industry dynamics, perceptions of authenticity, and cultural innovation. Dr. Askin received a joint Ph.D from the University of Chicago’s Sociology department and Chicago’s Booth School of Business. He also has an MA in Sociology from the University of Chicago and an MBA from Booth, as well as an AB in Psychology from Harvard University.

Dr. Joeri Mol is the Co-Director Cluster for the study of Organisation, Society and Markets (COSM) and the Senior Lecturer in Organisation Studies at the University of Melbourne. Dr. Mol has PhD in Management Science. Dr. Mol’s current research focuses primarily on organisational behaviour, the music sector and creative industries, classification systems and social network analysis. His work has entered as an exhibit in the 2006 US Copyright Royalty Board trial to determine the reasonable rates and terms for creating and distributing phonorecords.³

Based on our collective qualifications and decades of experience in organisation, our professional vocation as researchers, academics and professors/lecturers/teachers,⁴ and having reviewed the relevant parts of the documents that include the ICANN Applicant Guidebook (“AGB”),⁵ the CPE Guidelines,⁶ DotMusic’s publicly-available Application Materials, the expert testimonies submitted in support of the Application (43 in total),⁷ the results of an independent

¹.MUSIC CPE Report for DotMusic Limited (the “CPE Report”), <https://icann.org/sites/default/files/tlds/music/music-cpe-1-1115-14110-en.pdf>, p.1

² For the Expert Legal Opinion concerning the CPE Report in question, *see* Dr. Jørgen Blomqvist, Honorary Professor in International Copyright, June 17, 2016 at <https://icann.org/en/system/files/files/reconsideration-16-5-dotmusic-expert-opinion-blomqvist-redacted-17jun16-en.pdf>

³ See <http://www.loc.gov/crb/proceedings/2006-3/riaa-ex-o-103-dp.pdf>

⁴ *See* About the Experts, Appendix A

⁵ ICANN Applicant Guidebook (AGB), June 4, 2012 at <https://newgtlds.icann.org/en/applicants/agb/guidebook-full-04jun12-en.pdf>

⁶ ICANN CPE Guidelines, September 27, 2013 at <https://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>

⁷ *See* 43 independent expert letters scoring chart at <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-exhibits-a25-redacted-24feb16-en.pdf>, Exhibit A40; Also *see* 43 independent expert letters at

Nielsen Poll concerning DotMusic’s community “definition” and “name,”⁸ DotMusic’s Public Interest Commitments,⁹ the CPE Reports conducted by the Economist Intelligence Unit (the EIU”) on behalf of ICANN for the community applications for the strings .HOTEL, .SPA, .ECO, .RADIO, .OSAKA, .CPA, .MERCK and .GAY, the Expert Legal Opinion by Honorary Professor Dr. Blomqvist¹⁰ and the Expert Ethnomusicologist Opinion by Dr. Burgess,¹¹ it is our collective expert opinion (the “Joint Organisation Experts’ Opinion) and conclusion that DotMusic fully meets all CPE criteria for a score of 16 points. The music community defined is indeed a “real community” that can be grounded in both organization theory and practice. Indeed one could argue that the music community defined has a significant level of cohesion because it is highly organised in nature and operates under a regulated sector under international principles of copyright law and conventions.

The Joint Organisation Expert’s Opinion also provides additional supporting perspectives in relation to what constitutes an organised, symbiotic and interdependent community, including findings that, indeed, the music community defined and delineated is “real” and organised. The essential component of a “real community” is that it is linked by ties of commensalism, interdependence and symbiosis, including collective action by interest groups and associations that builds community legitimacy (Aldrich and Ruef). An organised community is a set of diverse, internally homogeneous populations that are fused together into functionally integrated systems based on interdependencies (Astley), with great emphasis on the relationships comprising a functioning community (Barnett, Henrich, and Douglas). In organisational ecology, community members are those that are essential to the viability of the other (Hannan and Freeman). Organised communities, such as the music community defined, are considered “real” and legitimate based on shared principles and a system of norms, values, beliefs, and definitions (Mark C. Suchman) and from a socio-political organisational theory perspective, a willingness to associate by environment (Aldrich and Fiol). Communities, such as the music community defined, emerge from relationships between units that involve competition, cooperation, dominance, and symbiotic interdependence (Aldrich and Ruef). An organised community is defined as a set of co-evolving organizational populations joined by ties of commensalism (Amos Hawley) and symbiosis (Aldrich and Ruef) through their orientation to a common technology (such as the Internet), normative order (such as a system of common values and principles), or legal regulatory regime (such as music copyright regulation by government).

<https://icann.box.com/shared/static/w4r8b711mfs1yww46ey4fa009tkzk8cr.pdf>, *Answers to Clarifying Questions*, Exhibit A21, Annex K; Also see <http://music.us/expert/letters>

⁸ Nielsen Quick Query poll, Fielding Period: August 7-11, 2015: “Q3505 If you saw a website domain that ended in ‘.music’ (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)?” <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-exhibits-a25-redacted-24feb16-en.pdf>, Exhibit A32, Appendix B, pp. 38 to 41

⁹ DotMusic Public Interest Commitments (PIC) at <https://gtldresult.icann.org/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>

¹⁰ Dr. Jørgen Blomqvist, Honorary Professor in International Copyright, Expert Legal Opinion, June 17, 2016 at <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-expert-opinion-blomqvist-redacted-17jun16-en.pdf>

¹¹ Dr. Richard James Burgess, Expert Ethnomusicologist Opinion, September 12, 2016 at <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-ethnomusicologist-opinion-burgess-redacted-12sep16-en.pdf>

DotMusic delineated all music constituent parts that would represent the essential music community members that would have a legitimate claim in music-related activities and music-related participation with respect to the string. As per the CPE Panel, the music community defined “bounds community membership by way of well-defined categories” and “provides a clear and straightforward membership definition” based on NAICS codes. This scientific methodology was not an attempt to construe a community to be awarded a sought-after string. In fact, this approach is the most common scientific model used by researchers, academics and institutions (e.g. the Creative Economy Coalition and UNESCO) for defining, organising and delineating creative communities that are comprised of essential, symbiotic and interconnected category groups. For a community to function, community resources include not only individual artistic and creative abilities, but also all the complementing support necessary for activities to be undertaken (Bunting, Jones and Wagner). Music community cohesiveness relies on all music community components and sub-components to work together in symbiosis. DotMusic sensibly excluded non-essential (i.e. those that would not have a legitimate claim to identify themselves as members of the community) and peripheral entities that are unrelated to music from every “member category” to ensure the music community definition was precise and to make certain that the community addressed matches the string in relation to “music” in its entirety (without discriminating against legitimate music members, while at the same time preventing any overreach beyond the community defined). The music community defined is held together by shared sets of norms, values and practices and is defined in terms of an alliance, which by definition inherently has cohesion and organisation.

The Joint Organisation Experts’ Opinion also used the Ngrams humanities research tool to conduct statistical analyses and frequency charting on corpuses found in printed sources prior to 2008. Relevant terms, such as the “music industry,” the “music community,” the “IFPI” and the “RIAA,” were charted against other pertinent benchmarks to comparatively demonstrate that (i) the music community defined is organised (given the prevalence of the “music industry” term) and pre-existed 2007; (ii) the “music community” name is a well-known short-form of the community defined (and pre-existed 2007); and (iii) both the RIAA and IFPI are recognized organisations mainly dedicated to music (and pre-existed 2007). The Joint Organisation Experts’ Opinion also investigated whether the “music community” name was a well-known short form of the community defined. Both music community members and the global media use the term “music community” to correspond to the community defined, encompassing both commercial (i.e. business/industry) and non-commercial music stakeholders. The “music community” is the most popular name in common parlance to describe the community addressed to match the string.

The Joint Organisation Experts’ Opinion concludes that DotMusic’s application satisfies the criteria for “Community Establishment,” “Nexus” and “Support.” Based on the evidence provided and our expertise in organisation theory, DotMusic’s application meets the AGB’s community priority threshold. This conclusion is consistent with 43 other independent expert opinions that were submitted prior to DotMusic’s CPE process and two other independent expert opinions submitted following the release of the CPE Report, namely, the Legal Expert Opinion by Honorary Professor Dr. Blomqvist and the Ethnomusicologist Expert Opinion by Dr. Burgess. In conclusion, we are also in agreement that DotMusic’s application should be granted community priority by ICANN.

JOINT ORGANISATION EXPERTS' OPINION

We, the undersigned Dr. Noah Askin and Dr. Joeri Mol, have undertaken the roles to jointly provide an independent organisation experts' opinion (the "Joint Organisation Experts' Opinion") on the well-foundedness of the ICANN Community Priority Evaluation ("CPE") Report¹² for DotMusic's community-based Application ID. 1-1115-14110¹³ for the new gTLD string '.MUSIC.'

Our Joint Organisation Experts' Opinion is based on the background and relevant facts presented herein in relation to music definitions, the CPE sections of "Community Establishment," "Nexus between Proposed String and Community" and "Support" (under "Community Establishment"). Our Joint Organisation Experts' Opinion also analyses and examines:

- i. Matters of historical relevance in relation to the music community;
- ii. Analyses of the definition, name and terms in question (including the "alliance" definition, the "music community" name, and the "member categories" term) and their pertinence to the CPE Report in relation to the music community defined;
- iii. Pre-existing organisational models commonly-used to define and classify creative sectors and music communities;
- iv. Music community organisation, structure and cohesion; and
- v. The existence and relevancy of international copyright law and conventions that show that music is an organised and regulated sector.¹⁴

Given that the CPE Panel awarded DotMusic with the maximum points under the "Registration Policies" and "Opposition" CPE sections, we will not evaluate those sections because of mutual agreement with respect to their score.

The Joint Organisation Experts' Opinion takes an organizational perspective to the music community's organisation. The music sector is indeed organised. In fact, an often-cited definition of "music" is that it is "organized sound," a term originally coined by modernist composer Edgard Varèse.¹⁵ Music can also best be understood as "humanly organized sound" or "the purposeful organization of sound."¹⁶

¹² DotMusic CPE Report, <https://icann.org/sites/default/files/tlds/music/music-cpe-1-1115-14110-en.pdf>

¹³ DotMusic community application, Application ID: 1-1115-14110, Prioritization Number: 448; *See* <https://gtldresult.icann.org/applicationstatus/applicationdetails/1392>

¹⁴ As disclaimed earlier, this Joint Organisation Expert Opinion is not a legal opinion. However, it is common knowledge that music operates in a regulated sector under general principles of international law and conventions.

¹⁵ Richard Franko Goldman, "Review of Ionisation; Density 21.5; Intigrales; Octandra; Hyperprism; Poeme Electronique by Edgard Varèse," *The Musical Quarterly* Vol 46, No.1, January 1961, pp. 133 to 134

¹⁶ John Blacking, "How Musical is Man?" Seattle: University of Washington Press, 1973 at <http://www.washington.edu/uwpress/search/books/BLAHOC.html>, p. 3; Also *see* Kay Shelemay, "Soundscapes: Exploring Music in a Changing World," New York, London: W.W. Norton and Company, 2001 at <http://www.jstor.org/stable/41699546>

In 2015, we jointly co-authored an article called “Shift to online music underscores power of a handful of tech giant”¹⁷ on The Conversation, an “independent source of news and views from the academic and research community.”¹⁸ Our co-authored article focused on outlining the impact of the Internet on the music community, the economic power shift that the music community faces, as well as the issues of regulation, competition and monopoly for the music community with respect to the .MUSIC top-level domain if ICANN awards .MUSIC to corporations with market power, such as Amazon or Google.

This Joint Organisation Experts’ Opinion supports the position that DotMusic’s application satisfied the CPE criteria under “Community Establishment,” “Nexus Between Proposed String and Community” and “Support” CPE sections.

The Joint Organisation Experts’ Opinion will expand upon the Legal Expert Opinion by Honorary Professor in International Copyright Dr. Jørgen Blomqvist¹⁹ and the Expert Ethnomusicologist Opinion by Dr. Richard James Burgess,²⁰ solely from an organisational perspective. The Opinions of such prominent and world-renowned experts in the field of copyright law and ethnomusicology are enough to conclude that DotMusic satisfied the CPE criteria. From our organisational perspective, we also conclude that DotMusic’s application satisfies the CPE criteria under the “Community Establishment,” “Nexus Between Proposed String and Community” and “Support.”

We disclose that this Joint Organisation Experts’ Opinion is in our personal capacity as organisation experts. We have not received any compensation in exchange for providing this Joint Organisation Experts’ Opinion or any prior expert opinion for that matter.

¹⁷ Noah Askin, Yuval Millo, Joeri Mol and Dean Pierides, The Conversation, “Shift to online music underscores power of a handful of tech giants,” April 16, 2015 at <https://theconversation.com/shift-to-online-music-underscores-power-of-a-handful-of-tech-giants-40230>

¹⁸ See The Conversation, “Who We Are,” at <https://theconversation.com/us/who-we-are>

¹⁹ See Dr. Jørgen Blomqvist, Honorary Professor in International Copyright, Expert Legal Opinion, June 17, 2016 at <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-expert-opinion-blomqvist-redacted-17jun16-en.pdf>

²⁰ See Dr. Richard James Burgess, Expert Ethnomusicologist Opinion, September 12, 2016 at <https://www.icann.org/en/system/files/files/reconsideration-16-5-dotmusic-ethnomusicologist-opinion-burgess-redacted-12sep16-en.pdf>

CPE SECTION ON COMMUNITY ESTABLISHMENT

1. The Joint Organisation Experts' Opinion agrees that the music community defined in DotMusic's application is an "organized" community, one that is functionally bounded by a set of populations (or category types), united by ties of commensalism and interdependence consistent with the AGB's requirement of Community Establishment that a community has "more cohesion than a commonality of interest."

Howard E. Aldrich and Martin Ruef, leading experts in organizational theory with respect to communities affirm in their seminal book *Organizations Evolving*, which won the Academy of Management *Terry Book Award*²¹ and the *Max Weber Award*²² from the American Sociological Association's Section on Organizations, Occupations, and Work:

An organizational community is a spatially or functionally bounded set of populations, linked by ties of commensalism and symbiosis. Commensalism refers to competition and cooperation between similar units, whereas symbiosis refers to mutual interdependence between dissimilar units. Within a community, processes of competition and cooperation sort populations into differentiated niches, and dominant populations drive others into subordinate positions and ancillary roles, resulting in community-level differentiation and integration. [...]

Interdependence results from processes of differentiation and integration that sort new organizations and populations into community niches. We examine aspects of these processes: [...] [C]ollective action by interest groups and associations that builds community level legitimacy.²³

2. Authors often equated an organised community with a population, a sub-community, an inter-organisational network, or an industry. For example, Graham W. Astley²⁴ defined an organised community as a set of diverse, internally homogeneous populations that are fused together into functionally integrated systems based on interdependencies in their core technologies. Barnett emphasized on the relationships comprising a functioning community.²⁵ Another perspective on organised communities follows classical treatments in organisational ecology,²⁶ in which two populations are said to be interdependent insofar as the density of one is essential to the viability of the other.

²¹ See Academy of Management, Terry Book Award Recipients at <http://aom.org/Meetings/awards/Historical-Award-Winners.aspx>

²² See American Sociological Association, The Organizations, Occupations and Work Section's Max Weber Book Award at <http://asanet.org/asa-communities/asa-sections/current-sections/organizations-occupations-and-work/organizations-occupations-and-work-awards-history>

²³ Howard E. Aldrich and Martin Ruef, *Organizations Evolving*, "Community Evolution," Second Edition, 2006, at <https://uk.sagepub.com/en-gb/eur/organizations-evolving/book227786>, p.240

²⁴ Graham W. Astley, 'The Two Ecologies: Population and Community Perspectives on Organizational Evolution.' *Administrative Science Quarterly*, 30, 2 (June 1985): 224–241

²⁵ William P. Barnett, Greve R. Henrich, and Park Y. Douglas, 'An Evolutionary Model of Organizational Performance.' *Strategic Management Journal*, 15, S (Winter), 1994: 11–28

²⁶ Michael T. Hannan and John Henry Freeman. 1977. 'The Population Ecology of Organizations.' *American Journal of Sociology*, 82, 5 (March, 1977): 929–964.

This empirical approach to community interdependence has become significant in addressing cross-population characteristics that unite material and symbolic elements. Organised communities are also of similar nature with respect to the organisational theory concerning legitimacy, principles that relate to community member activities and participation that are considered “desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions,”²⁷ and from a socio-political organisational theory perspective, “a willingness to associate by environment.”²⁸

3. The music community is organised and has “more cohesion than a commonality interest,” because it is aligned with the premise of “functional interdependence between units (commensalistic and symbiotic relations).” [...] Communities emerge from relationships between units that involve competition, cooperation, dominance, and symbiotic interdependence, rather than coming into being according to plan.”²⁹

This is consistent with the Joint Organisation Experts’ Opinion that the music community defined is a real community, not a fabricated community that was construed to win a sought-after string. Organised communities are restricted to members “oriented toward a common legal-regulatory core.”³⁰ In the case of the music community, the legal-regulatory core consists of a regulated sector united under general principles of international music copyright law and conventions. An organised community is defined as “a set of co-evolving organizational populations joined by ties of commensalism and symbiosis through their orientation to a common technology [such as the Internet], normative order [such as a system of principles governed by international music copyright law and conventions that all community members must follow], or legal regulatory regime [such as government regulation in relation to the music sector].”³¹

DotMusic’s community definition, a “delineated and organized logical alliance of communities of similar nature that relate to music” satisfies these qualities to be recognized as an organised community in relation to the ‘.MUSIC’ string.

4. In the case of organised communities, such as the music community defined, symbiosis³² delineates a mutual dependence between dissimilar member types, whereas commensalism means that member types make similar demands on the environment. Commensalism, ‘literally interpreted, means eating from the same table’.³³

²⁷ Mark C. Suchman, Managing Legitimacy: Strategic and Institutional Approaches, *The Academy of Management Review*, Vol. 20, No. 3 (Jul., 1995), pp. 571-610

²⁸ Howard E Aldrich and Marlene C Fiol, Fools rush in? The institutional context of industry creation, *The Academy of Management Review*, (1994), 19: 645–670.

²⁹ Howard E. Aldrich and Martin Ruef, *Organizations Evolving*, “Community Evolution,” Second Edition, 2006, at <https://uk.sagepub.com/en-gb/eur/organizations-evolving/book227786>, p.242

³⁰ Id.

³¹ Id., p.243

³² In a symbiotic relation, two populations exist in different niches and benefit from the presence of the other. See Howard E. Aldrich and Martin Ruef, p.247

³³ Amos Hawley, *Human Ecology* (1950), New York: Ronald, p.39

Without musicians – the most fundamental music community member type – music cannot be produced. As such, the functions of all other music community member types rely on the music that the musicians create for their activities and participation.³⁴ For example, certified music therapists -- a music category type that belongs to the music community defined – cannot provide music-related treatment to their patients without the music created by musicians. Such reliance constitutes “more cohesion than a commonality of interest.”

5. Just as in the case of most regulated sectors, within the music community’s regulated sector, “government has occupied the most dominant position, as it ‘holds the police power through which it exercises many regulatory functions’”³⁵ This is another example to evidence that there is indeed “more cohesion than a commonality of interest” across all the music member categories defined. Without music’s regulated sector and these music community member interdependencies, the music community would not be considered organised nor would be able to function and operate as it does today.
6. As such, based on our extensive research on the subject matter of organization and the music community, the CPE Report’s conclusion that the community defined was construed because it lacks organisation is untrue. Furthermore, in light of the supporting evidence provided support letters from the most recognized music community organisations with members representing the vast majority of global music consumption, the Joint Organisation Experts’ Opinion disagrees with the CPE Report’s assessment that the music community defined was not a “real community.”

MUSIC COMMUNITY CLASSIFICATION AND DELINEATION

7. The AGB required that “[f]or a community consisting of an alliance of groups, details about the constituent parts are required.”³⁶ DotMusic provided details about all of the constituent parts of the community to ensure that all essential music-related constituents that would have a legitimate claim in belonging to the “music community” were included without discrimination as well as delineated in the form of music-only category sets and music-only category sub-sets (referred to collectively as “member categories” by the CPE Panel):

- Musical groups and artists (711130)
- Independent music artists, performers, arrangers & composers (711500)
- Music publishers (512230)
- Music recording industries (512290)

³⁴ Populations at the center of communities (in this case, musicians in the music community), thus exercise dominance because they control the flow of resources (in this case, the creation of music) to others. *See* Howard E. Aldrich and Martin Ruef, p.248

³⁵ Amos Hawley, *Human Ecology* (1950), New York: Ronald, p.229

³⁶ AGB, Attachment to Module 2, Evaluation Questions and Criteria: “*Descriptions should include: How the community is structured and organized. For a community consisting of an alliance of groups, details about the constituent parts are required,*” Notes, 20A, A-14

- Music recording & rehearsal studios (512240)
- Music distributors, promoters & record labels (512220)
- Music production companies & record producers (512210)
- Live musical producers (711130)
- Musical instrument manufacturers (339992)
- Musical instruments & supplies stores (451140)
- Music stores (451220)
- Music accountants (541211)
- Music lawyers (541110)
- Music education & schools (611610)
- Music agents & managers (711400)
- Music promoters & performing arts establishments (711300)
- Music promoters of performing arts with facilities (711310)
- Music promoters of performing arts without facilities (711320)
- Music performing arts companies (711100)
- Other music performing arts companies (711190)
- Music record reproducing companies (334612)
- Music, audio and video equipment manufacturers (334310)
- Music radio networks (515111)
- Music radio stations (515112)
- Music archives & libraries (519120)
- Music business & management consultants (541611)
- Music collection agencies & performance rights organizations (561440)
- Music therapists (621340)
- Music business associations (813910)
- Music coalitions, associations, organizations, information centers & export offices (813920)
- Music unions (813930)
- Music public relations agencies (541820)
- Music journalists & bloggers (711510)
- Internet Music radio station (519130)
- Music broadcasters (515120)
- Music video producers (512110)
- Music marketing services (541613)
- Music & audio engineers (541330)
- Music ticketing (561599)
- Music recreation establishments (722410)
- Music fans/clubs (813410)³⁷

8. Based on our expertise in organisation and classification systems, the Joint Organisation Experts' Opinion concurs that DotMusic provided compelling evidence that the methodology adopted to delineate and define the community according to member categories was not construed to obtain a sought-after string and represents all possible music constituent types (or member categories) that would be directly associated the string (i.e. for the music community to match the string in its entirety without excluding

³⁷ DotMusic Application 20A; Also *see* .MUSIC CPE Report, p.2

any constituent type relating to music). In fact, the methodology adopted by DotMusic to define and delineate the “music community” is common model adopted to delineate a music community or industry. Evidence indicates that it is the most popular methodology undertaken by organisation researchers with respect to classify music communities.

Delineating music constituent member categories according to classification types (sorted by NAICS codes) is considered one of the norms and a widely-accepted practice in the research of music communities, including prominent research studies on music cities that were tasked to define, cluster and assess the local music communities using organised and delineated criteria. These extensive local music community research publications, include Georgia, Nashville, Seattle, Detroit, Austin, Chicago, Cleveland and Memphis and other cities.

9. From an organisational perspective, this common methodology was also consistent with community organisation recommendations by UNESCO to classify the community according to constituent parts (as also required by the Applicant Guidebook in the case of an alliance of groups/communities):

“Since no single standard industry classification adequately encompasses the diversity of musical activity and commerce; rather, it is possible to identify several components which taken together provide a delineation of the extent and coverage of the term “music industry”. This can be done by identifying ... groups of stakeholders”³⁸

DotMusic delineated the music community according to “music” categories and “music” subcategories in the form of “groups of stakeholders” under a symbiotic and organised cluster of classification codes. This NAICS methodology for defining the music (industry) community is standard in research studies:

Several studies have collected data regarding urban music scenes and their economic impact on Metropolitan Statistical Areas (MSAs), including Austin (Texas), Seattle (Washington), Nashville (Tennessee), Atlanta (Georgia), and Memphis (Tennessee). In general, these estimates tally businesses and people associated with music scenes through various sources, and use a multiplier to estimate the economic impact of these businesses and individuals. Edmiston and Thomas (2004) use commercial data from ReferenceUSA, which categorizes businesses by SIC code. Beyers et al. (2004) use U.S. Census data to estimate music-related establishments, employment, and economic impact in the Seattle area. Austin’s study (2001) uses U.S. Census data, as well as data from the Texas Music Office, a Texas state government entity charged with promoting the Texas music industry and compiling useful statewide information. Raines and Brown (2006) use ReferenceUSA and U.S. Census data, along with survey data from the

³⁸ UNESCO, The Global Alliance for Cultural Diversity, Division of Arts and Cultural Enterprise, The Music Industry in the New Millenium: Global and Local Perspectives, October 2002, [http://portal.unesco.org/culture/en/files/25428/11066604353The Music Industry in the new Millenium.pdf/The+Music+Industry+in+the+new+Millenium.pdf](http://portal.unesco.org/culture/en/files/25428/11066604353The+Music+Industry+in+the+new+Millenium.pdf/The+Music+Industry+in+the+new+Millenium.pdf), pp.2 to 3

local music community, to estimate employment and economic impact around Nashville, Tennessee. Each of these studies serves as a useful reference tool regarding local music scenes in established music cities.³⁹

10. A comprehensive study conducted by Dr. William Rial in 2011 that was commissioned by The Recording Academy's Georgia Music Partners⁴⁰ called the "Economic and Fiscal Impact Analysis of the Music Industry in Georgia"⁴¹ defined, organized and delineated the music community based NAICS codes to assess the economic impact of the music (industry) community in the State of Georgia. According to Dr. William Rial:

The music industry is defined for this analysis as being composed of the subsectors described by the NAICS (North American Industrial Classification System) codes presented in Table E-1. Official NAICS codes do not go beyond the 6-digit classifications shown in the table, and some contain non-music elements. Steps were taken to minimize the inclusion of non-music elements by examining the individual firms which comprise each sector. For example, "Promoters of Performing Arts with Facilities" also includes sports, so all firms that contained sports references were eliminated from the data; similar filtering was done for other sound recording studios.

This definition of the music industry is very similar to that used in two studies done by Georgia State University in 2003 (Edmiston, Kelley, and Marcus Thomas, *The Commercial Music Industry in Atlanta and the State of Georgia: An Economic Impact Study*, Fiscal Research Program Georgia State University (report FRC-85), August 2003.) updated in 2005 (Rushton, Michael and Marcus Thomas, "The Economics of the Commercial Music Industry in Atlanta and the State of Georgia: Industrial Organization and New Estimates of Economic Impacts," Fiscal Research Program Georgia State University, February, 2005). The primary difference between the industry definition used in this analysis and that used previously is that this definition is in terms of NAICS sectors.⁴²

³⁹ Erik Porse, Innovation and Production Networks in Regional Music Scenes, George Mason University, http://www.meiea.org/Journal/html_ver/Vol07_No01/2007_Vol_7_No_1_A2.htm

⁴⁰ Georgia Music Partners, "About Us" at <http://georgiamusicpartners.org/about>

⁴¹ B. William Riall, Ph.D., Economic and Fiscal Impact Analysis of the Music Industry in Georgia, May 2011, <http://www.georgia.org/wp-content/uploads/2013/09/Georgia-Music-Business-Economic-Impact-Study2011.pdf>

⁴² Id., pp.2 to 3

Table E-1: Definition of the Music Industry in Georgia	
NAICS Code	Description
334310	Household Audio and Video Equipment Manufacturing
334610	CD, Tape and Record Production
339992	Musical Instrument Manufacturing
451140	Musical Instrument and Supplies Stores
451220	Prerecorded Tape, CD, and Record Stores
512210	Record production
512220	Integrated record production/distribution
512230	Music Publishers
512240	Sound Recording Studios
611610	Fine Arts Schools
711130	Musical Groups and Artists
711310	Promoters of Performing Arts with Facilities
711320	Promoters of Performing Arts without Facilities
711410	Agents
711510	Independent Artists, Writers, and Performers

Table E-1: Definition of the Music Industry in Georgia

Dr. William Rial defined the music (industry) community as “organized by NAICS” with each constituent part detailed⁴³ (See Table 2-1⁴⁴):

Virtually all of the data used to describe the music industry (or any other industry, for that matter) is organized by NAICS (North American Industrial Classification System) codes.⁴⁵

- Another comprehensive study was also conducted in 2013 by Dr. Garrett Harper, Chris Cotton and Zandra Benefield that was commissioned by the Nashville Chamber of Commerce’s Research Center and the Music City Music Council called “*Nashville Music Industry: Impact, Contribution and Cluster Analysis*”⁴⁶ also used NAICS codes to define its local music community using cluster sectors that make up the Nashville Music Industry.⁴⁷ According to Dr. Harper, Cotton and Benefield, the all the music constituent parts of the Nashville music community was “identified with primary and secondary

⁴³ DotMusic followed a similar methodology consistent with the AGB rules to detail the constituent parts of the defined music community, but limited all member categories to explicit music-related activities and participation to ensure that the requisite awareness of the community is at hand with members and to exclude any music community members that would be regarded as peripheral or tangential to the music string. In other words, DotMusic only included music member categories that would have a legitimate claim in engaging in music-related activities and participation. This way, there would be no discrimination against music community members with a legitimate interest with respect to the music string, consistent and aligned with its application’s language and mission to be all-inclusive and for the name of the community, the music community, to fully match the music string’s Nexus.

⁴⁴ B. William Riall, pp.13 to 15

⁴⁵ B. William Riall, p.12

⁴⁶ Dr. Garrett Harper, Chris Cotton and Zandra Benefield, “Nashville Music Industry: Impact, Contribution and Cluster Analysis” (2013) at <http://music.us/studies/NashvilleMusicIndustryStudy.pdf> (Also see <http://www.nashville.gov/Portals/0/SiteContent/MayorsOffice/EcDev/NashvilleMusicIndustryStudy.pdf>. Retrieved on October 29, 2015)

⁴⁷ Id., p.14

NAICS classifications. The choices of organizing segments of music derive from a body of research that fashions various approaches. Since the music industry at its heart is a “copyright industry,” it is useful to note the constant evolution of the industry and to recognize that particular components will always be shifting in the mix of the industry (Wikstrom, 2009).”⁴⁸

DotMusic’s methodology of using NAICS codes to organize the music community by detailing all constituent parts to ensure the inclusion of all essential music categories that would have a legitimate interest in music-related activities and participation (as required by the AGB) was also adopted by the *Nashville Music Industry: Impact, Contribution and Cluster Analysis* study:

What, then, is the “core” music industry? Nashville’s situation allows any study to be very pure in its consideration of what truly constitutes a music industry. Many businesses perform essential roles in making the music industry function ... The music industry is complex for many reasons, and there are many ways in which its structure and function differ from a large number of other sectors. This complexity influences the way industry impact analysis is conducted for the music sector.

The study also noted that there is no single classification code available that covers the entire scope of the music community and the reason that the methodology of delineating the music community in Nashville with NAICS member category groupings was required:

No single standardized measurement classification, such as NAICS (North American Industry Classification System), offers a singular grouping for music.⁴⁹

The study’s conclusion is consistent with DotMusic methodology to delineate the music community defined based on multiple groupings constituting of music-only member categories to support that the music community defined was a “real community,” was delineated using a scientific method, and not construed to obtain a sought-after string.

12. In February 2004, Professors William B. Beyers, Anne Bonds, Andrew Wenzl and Paul Sommers from the University of Washington authored a publication for the City of Seattle’s Office of Economic Development called “*The Economic Impact of Seattle’s Music Industry*.”⁵⁰ The report “provides an analytical assessment of Seattle’s music cluster” by also adopting the NAICS methodology. According to the report, Seattle’s music community is comprised of both commercial and non-commercial constituent types. According to Professors Beyers, Bonds, Wenzl and Sommers, the Seattle music community is:

⁴⁸ Id., p.11

⁴⁹ Id., “Methodology,” pp.15-16

⁵⁰ W. Beyers, A. Bonds, A. Wenzl, P. Sommers, “The Economic Impact of Seattle’s Music Industry,” University of Washington, February 2004, at http://web.williams.edu/Economics/ArtsEcon/Documents/Seattle_Music_StudyFinal.pdf, Appendix II Music Industry SIC/NAICS/SOC Codes

[C]omposed of both for-profit components, which dominate business activity in the cluster, and a host of non-profit organizations that also employ many people and play a key role in our local cultural scene. The industry has a strong cohort of proprietors, and is dominated by small businesses [...] This sector touches our lives every day through media such as radio, television, cable, street musicians, in recordings, and through live performances. There is a vast array of support services associated with the industry, and hundreds of retail stores distributing music-related products. The industry has a major education and training component present in the K-12 school and higher education system, as well as through private teaching and performing organizations.⁵¹

This is consistent with the DotMusic’s application that defines the music community in terms of both commercial and non-commercial constituents (i.e. in for-profit and non-profit terms):

The Music Community encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.⁵²

13. Professors Beyers, Bonds, Wenzl and Sommers also emphasize that:

At the core of this industry are musicians and composers ... The “core” of Seattle’s music industry...is defined as actively contributing to music production.⁵³

This conclusion is inconsistent with the CPE Report’s statement that “while individuals within some of the member categories may show cohesion within a category or across a subset of the member categories, the number of individuals included in the defined community that do not show such cohesion is considerable enough that the community defined as a whole cannot be said to have the cohesion required by the AGB.”⁵⁴ The music community defined as a whole cannot be considerably impacted by any other music member category with respect to cohesion because the “musicians” member category alone embodies the majority in absolute numbers and the “core” of the music community defined, the member category type credited for making “music” that represents the string.

14. A follow-up music report concerning the economic impact of the music industry on the Seattle economy was authored in 2008 by Professors William B. Beyers, Christopher Fowler and Derik Andreoli from the University of Washington, called “*The Economic*

⁵¹ Beyers, Bonds, Wenzl and Sommers, “The Economic Impact of Seattle’s Music Industry,” University of Washington, February 2004, ii

⁵² DotMusic Application, 20C

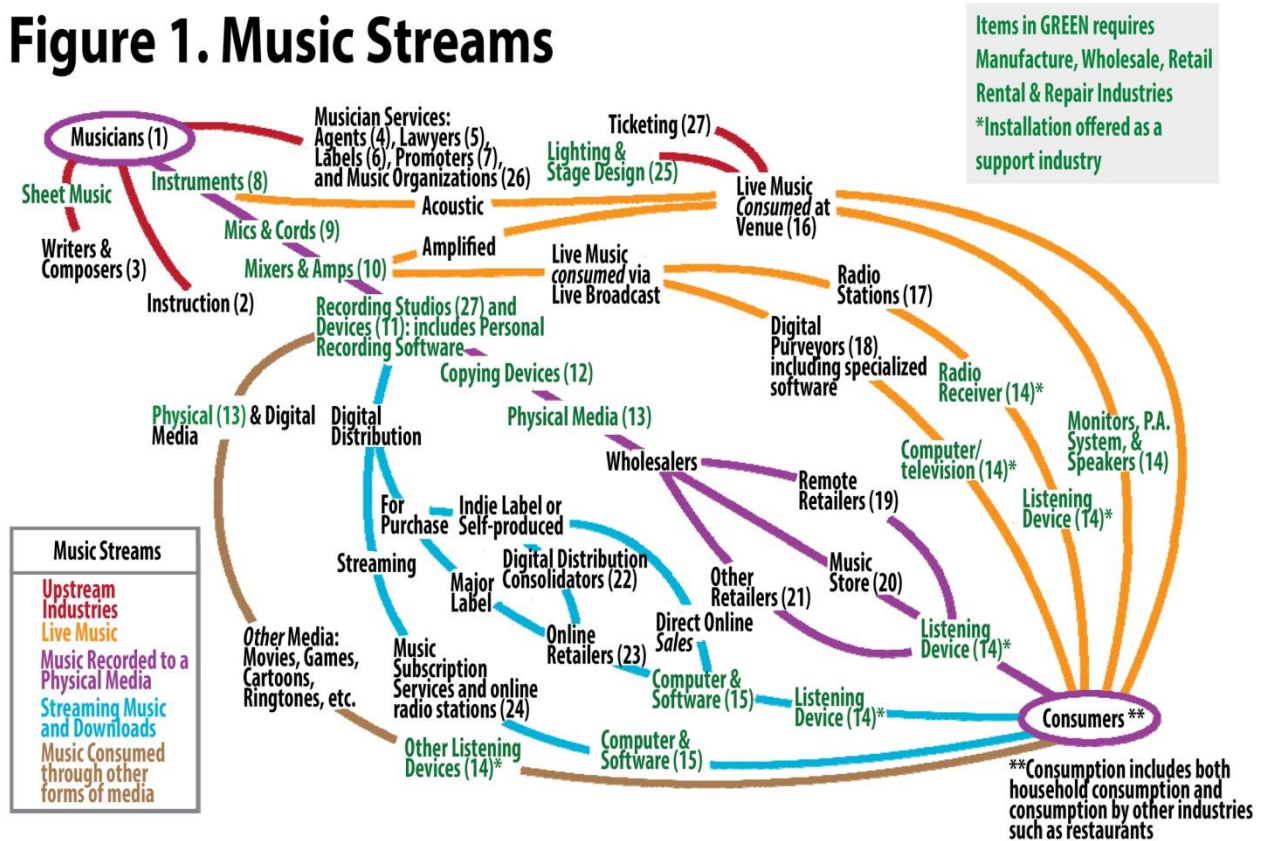
⁵³ Beyers, Bonds, Wenzl and Sommers, “The Economic Impact of Seattle’s Music Industry,” University of Washington, February 2004, ii

⁵⁴ DotMusic CPE Report, p.3

*Impact of Music in Seattle and King County.*⁵⁵ In “defining the music industry,” Professors Beyers, Fowler and Andreoli agree that:

The music industry has many components, some of which are clearly identifiable...and others where the connection is less obvious...Defining the industry is, of course, a necessary prerequisite to this analysis. Figure 1 is an attempt to capture all of the industries involved with music production, distribution, and consumption...[to] represent actual streams of music as well as the upstream industries which support its composition, production, and distribution.⁵⁶

Figure 1. Music Streams



Source: William B. Beyers, Christopher Fowler and Derik Andreoli, “The Economic Impact of Music in Seattle and King County,” November 2008, p.2

In this follow-up report, Professors Beyers, Fowler and Andreoli again delineated the music community in Seattle and King county based on NAICS codes as shown in following Table 15:⁵⁷

⁵⁵ William B. Beyers, Christopher Fowler and Derik Andreoli, “The Economic Impact of Music in Seattle and King County,” November 2008, at

http://www.seattle.gov/Documents/Departments/FilmAndMusic/Seattle_Music_EIS_2008.pdf

⁵⁶ William B. Beyers, Christopher Fowler and Derik Andreoli, p.1

⁵⁷ Id., pp. 40 to 42

Table 15 NAICS Codes Containing Music related Businesses

NAICS Code	Relevance 1= Partial 2=Complete	Pct. Employment music related	Detailed Code Description
238210	1	0.020375	Electrical Contractors and Other Wiring Installation Contractors
238310	1	0.083229	Drywall and Insulation Contractors
323100	1	0	Commercial Printing
323119	1	0	Other Commercial Printing
332510	1	0	Hardware Manufacturing
333315	1	0.177419	Photographic and Photocopying Equipment Manufacturing
334111	1	0	Electronic Computer Manufacturing
334112	1	0	Computer Storage Device Manufacturing
334113	1	0	Computer Terminal Manufacturing
334119	1	0	Other Computer Peripheral Equipment Manufacturing
334210	1	0	Telephone Apparatus Manufacturing
334220	1	0.556701	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
334290	1	0	Other Communications Equipment Manufacturing
334310	1	0.340081	Audio and Video Equipment Manufacturing
334419	1	0.110714	Other Electronic Component Manufacturing
334611	1	0	Software Reproducing
334612	2	0.237569	Prerecorded Compact Disc (except Software), Tape, and Record Reproducing
334613	1	0	Magnetic and Optical Recording Media Manufacturing
335314	1	0	Relay and Industrial Control Manufacturing
335999	1	0	All Other Miscellaneous Electrical Equipment and Component Manufacturing
337124	1	0	Metal Household Furniture Manufacturing
339932	1	0	Game, Toy, and Children's Vehicle Manufacturing
339992	2	1	Musical Instrument Manufacturing
339999	1	0.064671	All Other Miscellaneous Manufacturing
423620	1	0.135593	Electrical and Electronic Appliance, Television, and Radio Set Merchant Wholesalers
423690	1	0.024972	Other Electronic Parts and Equipment Merchant Wholesalers
423840	1	0	Industrial Supplies Merchant Wholesalers
423990	1	0.127451	Other Miscellaneous Durable Goods Merchant Wholesalers
424990	1	0.000981	Other Miscellaneous Nondurable Goods Merchant Wholesalers
441310	1	0.094198	Automotive Parts and Accessories Stores
443112	1	0.71254	Radio, Television, and Other Electronics Stores
451140	2	1	Musical Instrument and Supplies Stores
451220	2	0.988183	Prerecorded Tape, Compact Disc, and Record Stores
453310	1	0.008669	Used Merchandise Stores
454113	1	0.004324	Mail-Order Houses
484210	1	0.039474	Used Household and Office Goods Moving
484220	1	0	Specialized Freight (except Used Goods) Trucking, Local
484230	1	0	Specialized Freight (except Used Goods) Trucking, Long-Distance
511210	1	0	Software Publishers
512110	1	0.695132	Motion Picture and Video Production
512120	1	0	Motion Picture and Video Distribution
512191	1	0.272727	Teleproduction and Other Postproduction Services
512199	1	0.848101	Other Motion Picture and Video Industries
512220	2	0	Integrated Record Production/Distribution
512230	2	1	Music Publishers
512240	2	1	Sound Recording Studios
512290	2	0.959184	Other Sound Recording Industries
515112	2	0.964211	Radio Stations
515210	1	0	Cable and Other Subscription Programming
516100	1	0	Internet Publishing and Broadcasting
517110	1	0	Wired Telecommunications Carriers
517210	1	0	Wireless Telecommunications Carriers (except Satellite)
517410	1	0	Satellite Telecommunications
517911	1	0	Telecommunications Resellers
517919	1	0.000336	All Other Telecommunications
518210	1	0.016468	Data Processing, Hosting, and Related Services
519110	1	0	News Syndicates
519120	1	0	Libraries and Archives
531120	1	0.001116	Lessors of Nonresidential Buildings (except Miniwarehouses)
532299	1	0.267857	All Other Consumer Goods Rental
532490	1	0.078021	Other Commercial and Industrial Machinery and Equipment Rental and Leasing
541690	1	0.004319	Other Scientific and Technical Consulting Services
541840	1	0.244949	Media Representatives
541910	1	0	Marketing Research and Public Opinion Polling
561310	1	0	Administrative and Support Services
561311	1	0.003501	Employment Placement Agencies
561599	1	0.103734	All Other Travel Arrangement and Reservation Services
561990	1	0.004304	All Other Support Services
611310	1	0.021615	Colleges, Universities, and Professional Schools
611519	1	0	Other Technical and Trade Schools
611610	1	0.690227	Fine Arts Schools
711110	1	0.106928	Theater Companies and Dinner Theaters
711120	1	1	Dance Companies
711130	2	1	Musical Groups and Artists
711190	1	0.737822	Other Performing Arts Companies
711310	1	0.561983	Promoters of Performing Arts, Sports, and Similar Events with Facilities
711320	1	0.2	Promoters of Performing Arts, Sports, and Similar Events without Facilities
711410	1	0.02237	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
711510	1	0.044622	Independent Artists, Writers, and Performers
713990	1	0.135071	All Other Amusement and Recreation Industries
722410	1	0.871861	Drinking Places (Alcoholic Beverages)
811211	1	0.467742	Consumer Electronics Repair and Maintenance
811490	1	0.061021	Other Personal and Household Goods Repair and Maintenance

15. A similar study was also conducted on October 18, 2013 by Anderson Economic Group's Colby Spencer Cesaro, Alex Rosaen and Lauren Branneman called "*Music Business in Detroit: Estimating the Size of the Music Industry in the Motor City*,"⁵⁸ which also adopted the NAICS methodology to "fit [the] definition of the music industry" as shown in the below table:⁵⁹

- 33999 Musical Instrument Manufacturing
- 45114 Musical Instrument and Supplies Stores
- 51222 Integrated Record Production/Distribution
- 51223 Music Publishers
- 51224 Sound Recording Studios
- 51229 Other Sound Recording Industries
- 61161 Fine Arts Schools
- 71113 Musical Groups and Artists
- 71131 Promoters of Performing Arts, Sports, and Similar Events with Facilities
- 71132 Promoters of Performing Arts, Sports, and Similar Events without Facilities
- 71151 Independent Artists, Writers, and Performers

Source: Colby Spencer Cesaro, Alex Rosaen, Lauren Branneman, Anderson Economic Group, "Music Business in Detroit, Estimating the Size of the Music Industry in the Motor City," p.4

According to Anderson Economic Group, the data for "estimating the size of the music industry and benchmarking the music industry ... came from the U.S Census Bureau ... using ... NAICS codes."⁶⁰

16. The same methodology was also adopted in a research paper conducted by Cleveland State University's Dr. Iryna V. Lendel for the Center for Economic Development called "*The Cleveland Music Sector and its Economic Impact*" that was prepared for the Community Partnership for Arts and Culture in 2011:⁶¹

The Cleveland Music Sector was defined and studied using occupational data from the U.S. Bureau of Labor Statistics...The music sector was defined in terms of core music occupations and support music occupations.⁶²

⁵⁸ Colby Spencer Cesaro, Alex Rosaen, Lauren Branneman, Anderson Economic Group, "Music Business in Detroit, Estimating the Size of the Music Industry in the Motor City,"

<http://www.andersoneconomicgroup.com/portals/0/aeg%20report%20-%20music%20business%20in%20detroit.pdf>

⁵⁹ Id., p.4

⁶⁰ Id., Appendix A. Methodology

⁶¹ Dr. Iryna V. Lendel, Cleveland State University, "Remix Cleveland: The Cleveland Music Sector and its Economic Impact," 2011,

http://cua6.urban.csuohio.edu/publications/center/center_for_economic_development/Remix_Cleveland_Full_Report_102411.pdf

⁶² Id., xiv

17. The Center for Economic Development at Cleveland State University detailed the ecology of the entire Cleveland music sector, including all the constituent parts of the Cleveland music community based on their activities, in order to be able to identify all their corresponding NAICS codes in Figure E-2 below:

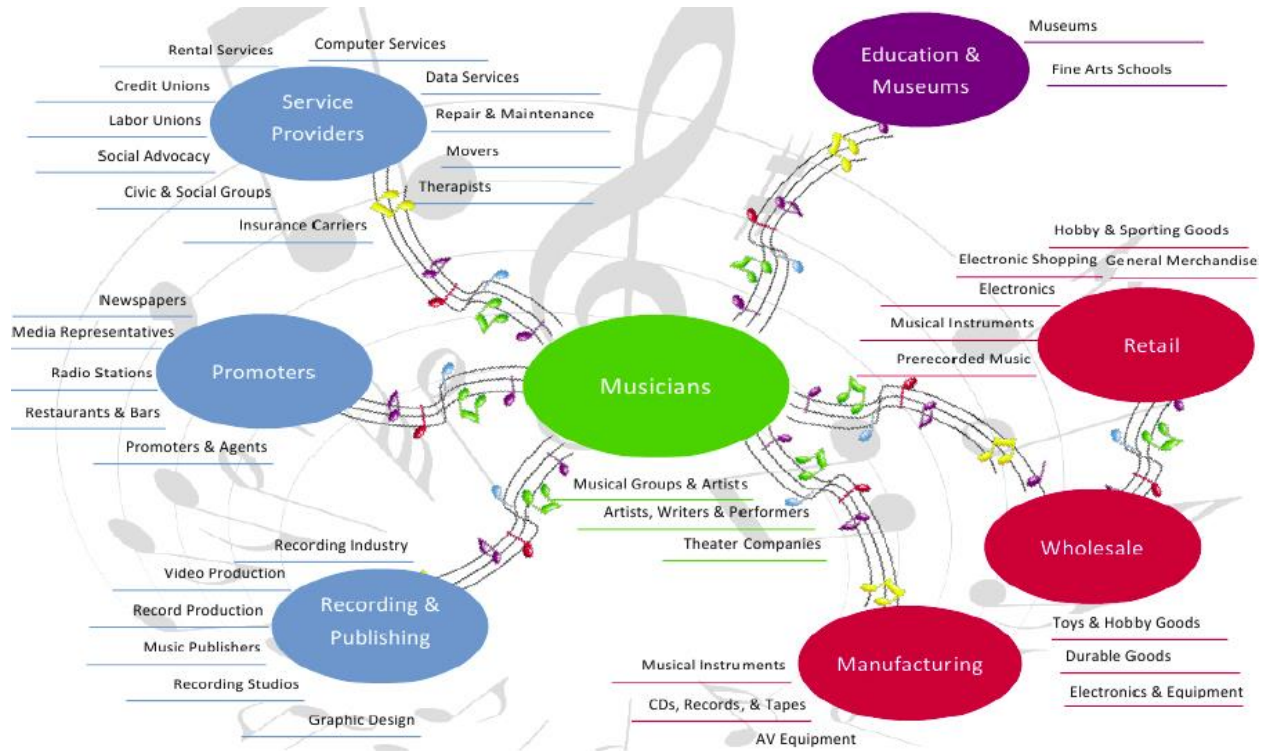


Figure E-2: Ecology of the Cleveland Music Sector

*Center for Economic Development, Maxine Goodman Levin College of Urban Affairs
Cleveland State University*

Source: Dr. Iryna V. Lendel, Cleveland State University, “Remix Cleveland: The Cleveland Music Sector and its Economic Impact,” 2011, xviii

18. Given the ecology of the Cleveland music sector, the Center for Economic Development defined the Cleveland Music Sector as encompassing musicians and music venues from 45 unique NAICS codes.

The first step in defining the Cleveland Music Sector was to identify and collect the NAICS codes of industries that are involved both with music and music-related activities.... The preceding steps yielded a total of 45 unique music and music-related NAICS codes. Of those 45, all the establishments (companies) in 10 NAICS codes were determined to be completely related to music.⁶³

The primary 10 NAICS codes are listed in Table 1-1⁶⁴ below:

⁶³ Id., *Defining the Cleveland Music Sector*, p.1

⁶⁴ Id., p.2

Table 1-1: Industry Sectors Encompassing All Music-Related Establishments

NAICS Code	Definition
334310	Audio and Video Equipment Manufacturing
334612	Prerecorded Compact Disc (except Software), Tape, and Record Producing
339992	Musical Instrument Manufacturing
451140	Musical Instrument and Supplies Stores
451220	Prerecorded Tape, Compact Disc, and Record Stores
512210	Record Production
512230	Music Publishers
512240	Sound Recording Studios
512290	Other Sound Recording Industries
711130	Musical Groups and Artists

Source: Dr. Iryna V. Lendel, Cleveland State University, "Remix Cleveland: The Cleveland Music Sector and its Economic Impact," 2011, p.2

The additional 35 NAICS codes comprising the Cleveland music community were identified in Table 1-2⁶⁵ below:

Table 1-2: Music Subsectors by NAICS Code

NAICS Code	Definition	NAICS Code	Definition
Education & Museums		Retail	
611610	Fine Arts Schools	443112	Radio, Television, and Other Electronics Stores
712110	Museums	451110	Sporting Goods Stores
Manufacturing		451120	Hobby, Toy, and Game Stores
334310	Audio and Video Equipment Manufacturing	451140	Musical Instrument and Supplies Stores
334612	Prerecorded Compact Disc (except Software), Tape, and Record Reproducing	451220	Prerecorded Tape, Compact Disc, and Record Stores
339992	Musical Instrument Manufacturing	452990	All Other General Merchandise Stores
Musicians		454111	Electronic Shopping
711110	Theater Companies and Dinner Theaters	Service Providers	
711130	Musical Groups and Artists	484210	Used Household and Office Goods Moving
711510	Independent Artists, Writers, and Performers	518210	Data Processing, Hosting, and Related Services
Promoters		522130	Credit Unions
425120	Wholesale Trade Agents and Brokers	524126	Direct Property and Casualty Insurance Carriers
511110	Newspaper Publishers	532299	All Other Consumer Goods Rental
515111	Radio Networks	541519	Other Computer Related Services
515112	Radio Stations	621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists
541840	Media Representatives	811490	Other Personal and Household Goods Repair and Maintenance
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	813319	Other Social Advocacy Organizations
711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	813410	Civic and Social Organizations
722110	Full-Service Restaurants	813930	Labor Unions and Similar Labor Organizations
722211	Limited-Service Restaurants	Wholesale	
722410	Drinking Places (Alcoholic Beverages)	423690	Other Electronic Parts and Equipment Merchant Wholesalers
Recording & Publishing		423920	Toy and Hobby Goods and Supplies Merchant Wholesalers
512110	Motion Picture and Video Production	423990	Other Miscellaneous Durable Goods Merchant Wholesalers
512210	Record Production		
512230	Music Publishers		
512240	Sound Recording Studios		
512290	Other Sound Recording Industries		
541430	Graphic Design Services		

Center for Economic Development, Maxine Goodman Levin College of Urban Affairs
Cleveland State University

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Source: Dr. Iryna V. Lendel, Cleveland State University, "Remix Cleveland: The Cleveland Music Sector and its Economic Impact," 2011, p.3

⁶⁵ Id., p.3

19. The Music and Entertainment Division of the City of Austin Economic Development Department also published a study on the Austin music (industry) community called the *Austin Music Census*. The study also used scientific method to define and organise the community based on NAICS codes. The study is yet another study to show that music community research studies typically use NAICS codes for to define the music community and to ensure standardization of methodology approach, consistency and comparability. However since there is no single category to delineate and organize the entire music community, segmentation using sectors and sub-sectors is required.⁶⁶

Typically...research studies...will use the U.S. Federal North American Industry Standard Classification System (NAICS) codes to categorize respondent data. This approach has the advantage of making the data easily comparable to other research studies that use the same method, which can be useful for comparisons or other activities. However, a drawback to using this system to measure the Music Industry is that the standard NAICS classifications do not directly map to the way the Music Industry operates or describes itself. The segmentation design contains 33 main Music Industry job sectors (and 74 sub-sectors) using common music industry job terminology, and then contains an internal (invisible to the respondent) mapping system, in which each of these “common” job descriptions is then mapped to an NAICS Sector and Subsector. For the purposes of the Austin Music Census, all of the analysis is explained using the common industry job descriptions rather than NAICS classifications...The core of this economy of course is the musicians, but the presence of those musicians spin off the creation of at least 13 other major NAICS economic activity sectors (and a correlating 66 sub-sectors).⁶⁷

20. The Texas Music Office of State of Texas also defines and delineates the music (industry) community in terms of NAICS codes⁶⁸ in the following manner:

SIC to NAICS 2007 Conversion
COMMERCIAL MUSIC
(7311) Advertising Agencies 541810 [Advertising Agencies]
(8999) Arrangers/Composers 711510 [Independent Artists, Writers, and Performers incl. Composers, independent and Music arrangers, independent]
(4832) Environmental/Business Music 513112 [Radio stations incl. Piped-in music services, Radio transmitted]
(8999) Film/Industrial Scoring 711510 [Independent Artists, Writers, and Performers]
(4832) Jingles and advertising soundtracks 541840 [Media Representatives]
(4832) Sound effects libraries 513110 [Radio Broadcasting]

⁶⁶ Austin Music Census, The City of Austin Economic Development Department's Music & Entertainment Division, June 2015, https://www.austintexas.gov/sites/default/files/files/Austin_Music_Census_Interactive_PDF_53115.pdf

⁶⁷ Id., p.38

⁶⁸ State of Texas, Texas Music Office, “NAICS to SIC conversion” at <http://gov.texas.gov/music/guides/naics>

EDUCATION
(8222) Community and technical college music programs 611210 [Junior colleges]
(8211) Performing arts elementary/secondary schools 611110 [Elementary and Secondary Schools]
(8231) Music Archives 519120 [Music Archives]
(8299) Music Camps 611610 [Fine arts schools]
(8299) Music Instruction Materials 611610 [Fine arts schools]
(8299) Private Music Schools or instruction 611610 [Fine arts schools]
(8221) University and college music programs 611310 [Colleges, Universities, and Professional Schools]
INDUSTRY SERVICES
(8721) Accountants 541211 [Offices of Certified Public Accountants]
(7336) Art/Creative studios 541430 [Graphic design services]
(7922) Artist Management 711410 [Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures]
(8111) Attorneys 541110 [Offices of Lawyers]
(6399) Insurance 524128 [Other Direct Insurance (except Life, Health, and Medical Carriers)]
(6021) Financial Institutions/Banks 522110 [Commercial Banking]
(9999) Mobile DJs/Karaoke 711510 [Independent Artists, Writers, and Performers incl. Announcers, independent radio and television]
(6794) Music administration/clearance 512230 [Music Publishers incl. Music copyright authorizing use and Music copyright buying and licensing]
(6794) Music business consultants 541611 [Management Consulting Services]
(2754) Music engraving 323111 [Commercial Gravure Printing]
(6794) Music publishers 512230 [Music Publishers]
(8049) Music therapy 621340 [Offices of Physical, Occupational and Speech Therapists, and Audiologists incl. Music therapists' offices (e.g., centers, clinics)]
(7375) Record stores 451220 [Prerecorded Tape, Compact Disc, and Record Stores]
(8600) Organizations/Associations 813920 [Professional organizations]
(7221) Photographers 541921 [Photography Studios, Portrait]
(8049) Physicians/Music medicine 621399 [Offices of All Other Miscellaneous Health Practitioners]
(8743) Publicists 541820 [Public Relations Agencies]
(8600) Unions 813930 [Labor Unions and Similar Labor Organizations]
MEDIA
(2711) Daily newspapers 511110 [Newspaper Publishers]
(2711) College newspapers 511110 [Newspaper Publishers]

(2721) Weekly publications 511120 [Periodical Publishers]
(2721) Monthly publications 511120 [Periodical Publishers]
(2721) Publications on-line only 511120 [Periodical Publishers]
(2721) Publications/Journals 511120 [Periodical Publishers]
(8999) Freelance journalists 711510 [Independent Artists, Writers, and Performers incl. Freelance journalists]
(4832) Radio consultants 813920 [Consultants' associations]
(4832) Radio Stations 515112 [Radio Stations]
(4832) Internet Radio Stations 519130 [Internet Radio Stations]
(4833) Television programming 515120 [Broadcasting stations, television]
MUSIC VIDEOS
(7812) Soundstages 512110 [Motion Picture and Video Production]
(7822) Video distribution 512120 [Motion Picture and Video Distribution]
(7812) Video postproduction and duplication 512191 [Teleproduction and Other Postproduction Services]
(7812) Video production 512110 [Motion Picture and Video Production]
MUSICAL INSTRUMENTS AND EQUIPMENT
(3651) Electrical equipment-Manufacturers 334310 [Audio and Video Equipment Manufacturing]
(3161) Instrument and touring cases 316991 [Luggage incl. Cases, musical instrument, manufacturing]
(3931) Musical instruments-manufacturers 339992 [Musical Instrument Manufacturing]
(7359) Musical instruments-rental 532299 [All Other Consumer Goods Rental incl. Musical instrument rental]
(7699) Musical instruments-repair 811490 [Other Personal and Household Goods Repair and Maintenance incl. "Musical instrument repair shops without retailing new musical instruments" and "Tuning and repair of musical instruments"]
(5736) Musical instruments-retail 451140 [Musical Instrument and Supplies Stores]
(5932) Musical instruments-used 453310 [Used Merchandise Stores incl. Music stores (e.g., cassette, instrument, record, tape), used]
(5099) Musical instruments-wholesale/distribution 423990 [Other Miscellaneous Durable Goods Wholesalers]
(5736) Sheet music suppliers-Retail/wholesale 451140 [Musical Instrument and Supplies Stores incl. Sheet music stores]
RECORD PRODUCTION, DISTRIBUTION, AND SALES
(3652) Cassette duplication 334612 [Prerecorded Compact Disc (except Software), Tape, and Record Reproducing]
(3652) CD manufacturers 334612 [Prerecorded Compact Disc (except Software), Tape, and Record Reproducing]

(7993) Jukeboxes 713990 [All Other Amusement and Recreation Industries] or 334310 [Audio and Video Equipment Manufacturing incl. jukebox manufacturing]
(5099) Record distributors 512220 [Sound recording, releasing, promoting, and distributing]
(2782) Record jacket, CD booklet, J-card mfgs. 323118 [Blankbook, Looseleaf Binders, and Devices manufacturing]
(3652) Record labels 512220 [Integrated Record Production/Distribution]
(3652) Record pressing plants 334612 [Prerecorded Compact Disc (except Software), Tape, and Record Reproducing]
(4832) Record promotion and record pools 513111 [Radio Networks]
(5735) Record stores 451220 [Prerecorded Tape, Compact Disc, and Record Stores]
(4832) Retail marketing 541613 [Marketing consulting services]
RECORDING SERVICES
(7389) Audio engineers 541330 [Engineering Services]
(3695) Audiotape-manufacturers/retail 334613 [Magnetic and Optical Recording Media Manufacturing incl. Audiotape, blank, manufacturing]
(7389) Mastering 512290 [Other Sound Recording Industries]
(7389) Mobile recording studios 512240 [Sound Recording Studios]
(7389) Record producers 512210 [Record Production incl. Record producers (except independent)]
(7289) Recording studios 512240 [Sound Recording Studios] or [Recording studios, sound, operating on a contract or fee basis] or [Sound recording studios (except integrated record companies)]
(7389) Rehearsal studios 512240 [Sound Recording Studios]
(1542) Studio and audio design/construction/consultation 236220 [Radio and television broadcast studio construction]
(3663) Studio equipment mfgs/sales/rental 532490 [Other Commercial and Industrial Machinery and Equipment Rental and Leasing incl. TV broadcasting and studio equipment rental or leasing]
TOUR SERVICES
(7922) Annual events 711310 [Promoters of Performing Arts, Sports, and Similar Events with Facilities]
(7922) Booking agents 711320 [Promoters of Performing Arts, Sports, and Similar Events without Facilities]
(7922) Concert and event production 711320 [Promoters of Performing Arts, Sports, and Similar Events without Facilities]
(3648) Lighting-manufacturers and supplies 335129 [Other Lighting Equipment Manufacturing incl. Stage lighting equipment manufacturing]
(7922) Lighting-services 541490 [Lighting design services]
(1731) PA systems/sound reinforcement 334310 [Audio and Video Equipment

Manufacturing incl. Public address systems and equipment mfg or 235310 [Electrical contractors]
(7359) PA/Staging equipment-rental 532490 [Audio visual equipment rental or leasing]
(7922) Promoters 711320 [Promoters of Performing Arts, Sports, and Similar Events without Facilities]
(7381) Security 561612 [Security Guards and Patrol Services]
(1799) Staging/stage construction 711510 [Stage set (e.g., concert, motion picture, television) erecting and dismantling, independent]
(2759) Ticket printing 323119 [Other Commercial Printing]
(7922) Ticket sales outlets 561599 [All Other Travel Arrangement and Reservation Services incl. Ticket agencies, theatrical]
(4142) Tour buses/transportation 532120 [Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing incl. Bus rental or leasing and Trailer rental or leasing]
(1799) Tour management and personnel 541611 [General management consulting services]
VENUES
(6512) Auditoriums/Arenas 711310 [Promoters of Performing Arts, Sports, and Similar Events with Facilities]
(5813) Clubs/Dancehalls 722410 [Drinking Places (Alcoholic Beverages) incl. Night clubs, alcoholic beverage] 713990 [All Other Amusement and Recreation Industries incl. Dance halls, Ballrooms, and Night clubs without alcoholic beverages]
(6512) Concert Halls/Performing arts centers 711310 [Promoters of Performing Arts, Sports, and Similar Events with Facilities]
(7941) Stadiums/Amphitheatres/Fairgrounds 711310 [Promoters of Performing Arts, Sports, and Similar Events with Facilities]

Source: Texas Music Office, State of Texas, "NAICS to SIC conversion."
Retrieved on October 2, 2016.

21. Dr. John E. Gnuschke and Dr. Jeff Wallace, professors from the University of Memphis, also published a journal called "*Economic Impact of the Music Industry in Memphis and Shelby County.*"⁶⁹ Again, the NAICS classification system is the scientific methodology adopted to delineate and organise local music (industry) communities:

51223 Music Publishers
339992 Musical Instrument Mfg.
33431 Audio and Video Equipment Mfg.
45114 Musical Instrument and Supplies Stores
71113 Musical Groups and Artists
71151 Independent Artists, Performers, and Writers

⁶⁹ John E. Gnuschke and Jeff Wallace, "Economic Impact of the Music Industry in Memphis and Shelby County," *Business Perspectives*, Volume 16, Issue: 3 (2004) at <http://www.freepatentsonline.com/article/Business-Perspectives/126612058.html>

51224 Sound Recording Studios
 51229 Other Sound Recording Industries
 334612 Pre Recorded CD (Except Software), Tape, and Record Producing
 51222 Integrated Record Production/Distribution
 51221 Record Production
 71312 Amusement Arcades
 53311 Lessors of Non-Financial Intangible Assets
 61161 Fine Arts Schools
 51211 Motion Picture and Video Production
 323119 Other Commercial Printing
 45122 Prerecorded Tape, CD, and Record Stores
 71141 Agents and Managers for Artists, Athletes, Entertainers, and Other
 Public Figures

Source: Bureau of Labor Statistics 2001 annual data. John E. Gnuschke and Jeff Wallace, "Economic Impact of the Music Industry in Memphis and Shelby County," *Business Perspectives*, Volume 16, Issue: 3 (2004) Retrieved on October 2, 2016.

22. In 2007, the University of Chicago's Cultural Policy Center led by Dr. Lawrence Rothfield authored a prominent report that was prepared for the Chicago Music Commission with respect to music (industry) community in Chicago.⁷⁰ The report pointed at that from an organizational perspective there is no classification code to cover the entire music industry community. As such, they deemed it was necessary to use NAICS categories and sub-categories to represent the "whole industry." As mentioned earlier, to ensure that DotMusic does not overreach beyond the community defined, DotMusic's application correctly clarified that only the "music" component is applicable to its community definition and that peripheral entities not associated with the term "music" are excluded. By clarifying that all entities unrelated to music or with a tangential relationship with "music" are excluded, DotMusic appropriately ensured that every NAICS code in DotMusic's application contained the word "music" word. From an organizational perspective, this approach also ensured that all entities will have the requisite awareness that they belong to the "music" community delineated in the DotMusic application. The report states:

Because music production involves what Caves calls a "motley crew" using very different skill sets and engaged in very different kinds of productive processes, however, there is no one NAICS code or set of codes covering the whole industry. To begin with, then, it is necessary to pick out those categories of business units that participate in the music industry. We did this by examining each coded industry category to determine whether it had any connection to music at all, and if so, whether it constituted part of the core component of the music industry or part of its periphery. Businesses wholly or predominantly involved in the performance, production, or distribution of musical activity—such as "musical groups & artists," "sound recording studios," and "radio networks"—were easily

⁷⁰ Lawrence Rothfield, Don Coursey, Sarah Lee, Daniel Silver and Wendy Norris, "A Report on the Music Industry in Chicago," Cultural Policy Center, University of Chicago, 2007, <http://www-news.uchicago.edu/releases/08/pdf/080122.music.pdf>

designated as part of the core component. However, some industry categories, such as “independent artists, writers or performers,” lump together musical and non-musical work. Other categories—for example, “audio and video equipment manufacturing”—define businesses that support the performance, production or distribution of music, but may also support non-musical work. We place both these kinds of hybrids in the peripheral component of the music industry.

The table below provides an exhaustive list of the 6-digit industries included in the report’s definition of the music industry:⁷¹

FIGURE 1 MUSIC INDUSTRY DEFINITION

NAICS Code SUB-INDUSTRY DESCRIPTION

CORE MUSIC SUB-INDUSTRIES

339992	Musical instrument manufacturing
451140	Musical instruments and supplies stores
451220	Prerecorded tape, compact disc and record stores
512210	Record production
512220	Integrated record production/distribution
512230	Music publishing
512240	Sound recording studios
512290	Other sound recording industries
515111	Radio networks
515112	Radio stations
711130	Musical groups and artists

PERIPHERAL MUSIC SUB-INDUSTRIES

334310	Audio and video equipment manufacturing
334612	Prerecorded compact disc, tape and record reproducing
611610	Art, drama and music schools
621340	Offices of physical, occupational and speech therapists and audiologists
711110	Theater companies and dinner theaters
711300	Promoters of performing arts, sports and similar events
711400	Agents and managers for artists, athletes, entertainers and other public figures
711500	Independent artists, writers and performers
722400	Drinking places

Source: Lawrence Rothfield, Don Coursey, Sarah Lee, Daniel Silver and Wendy Norris, “A Report on the Music Industry in Chicago,” *Defining the Music Industry*, Cultural Policy Center, University of Chicago, 2007, p.5

23. As demonstrated by the extensive number of publications with respect to assessing local music communities, the Joint Organisation Experts’ Opinion concludes DotMusic’s scientific method of using member categories (restricted to music-only constituents) to

⁷¹ Id., *Defining the Music Industry*, p.4

fulfill the AGB's instructions (in the case of an "alliance of groups") to detail the music community's "constituent parts" is a typical scientific approach taken in organisation research studies used for defining "music community."

24. According to Dr. Ann Markusen from the University of Minnesota, Dr. Gregory H. Wassall from Northeastern University, Douglas DeNatale from Culture Logic and Randy Cohen from the Americans for Arts:

All efforts to operationalize the cultural economy are forced to work with industrial and occupational categories⁷²

Given the regional variation, researchers might include different sets of industries in defining their regional cultural economies.⁷³

According to a publication authored in April 2012 by Professors Dr. Sara Santos Cruz and Dr. Aurora A.C. Teixeira from the University of Porto called "*Methodological Approaches for Measuring the Creative Employment.*" In the publication, Professors Cruz and Teixeira, affirm that self-identity is a common theme in interconnected communities, such as the music community:

Implicit in the notion of class is "some kind of self-identity and consistent value system within a socio-political hierarchy" (Clifton, 2008: 66). Indeed, creative individuals have aspects in common. They often get involved in the social networks or communities...and they have common values, principles. (Florida 2002a: 78-9)⁷⁴ [T]he creative class concept needs to be related to a production context that should be interrelated with other organizations, institutional bodies and the community itself, in order to understand the linkages along the value chain and the locally enrooted practices that arise from these interconnections.⁷⁵

One of the most important issues in the analysis of creative activities is the emergent need for a universal conception and a classification system that can accurately gather and map data on these industries.⁷⁶ Classification of cultural industries is another issue which requires attention. The lack of a strong theoretical definition has led to misunderstanding and confused the situation concerning structural elements of these industries.⁷⁷

⁷² Ann Markusen, Gregory H. Wassall, Douglas DeNatale and Randy Cohen, "Defining the Cultural Economy: Industry and Occupational Approaches," November 2006,

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.542.4308&rep=rep1&type=pdf>, p. 23

⁷³ Id., p. 25

⁷⁴ Id., p.4

⁷⁵ Id., p.8

⁷⁶ Id., p.9

⁷⁷ United Nations Educational, Scientific and Cultural Organization (UNESCO), Measuring the Economic Contribution of Cultural Industries: A review and assessment of current methodological approaches, Framework for Cultural Statistics Handbook, 2009, <http://www.uis.unesco.org/culture/Documents/FCS-handbook-1-economic-contribution-culture-en-web.pdf>, p.15

The term “cultural industries” [such as the music industry community] is used in accordance with UNESCO’s view “as a set of activities that produce and distribute cultural goods or services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions irrespective of the commercial value they may have” (UNESCO-UIS, 2009). A consensus seems to be emerging for a working definition of the “core” creative or cultural industries, while there is still confusion surrounding non-core and supporting activities. Usero and del Brío (2011) in their recent article also discuss and assess the contribution of the 2009 UNESCO FCS to the field of measuring the economic contribution of culture.⁷⁸

In the first Resolution of the European Parliament on this topic entitled European Parliament Resolution on Cultural Industries (2002/2017) cultural industries was considered as a field of multidimensional forms of cultural expressions ranging from cultural heritage to audiovisual industries. Two years later, the Opinion of European Economic and Social Committee on Europe’s Creative Industries (2004) adopted a prescriptive definition of creative industries by identifying provisional list of activities labelled as creative industries.⁷⁹

The formal [UK’s Department of Culture, Media and Sport (DCMS)] definition of creative industries is “...those activities which have their origins in individual creativity, skill and talent and which have the potential for wealth and job creation through generation and exploitation of intellectual property”...This definition provided the basis for several works developed by national governments worldwide (e.g., DCMS, 2001; Walton and Duncan, 2002; Heng et al., 2003; Scottish Government Social Research, 2009).⁸⁰

The Branches of Activity approach categorizes the creative economy in terms of “upstream activities,” i.e., core cultural activities, and “downstream activities,” i.e., commercial and distribution industries, dedicated to the diffusion and commercialization of cultural contents (e.g., Heng et al., 2003; Scott, 2004; UNCTAD 2008: 13). The strength of this perspective lies in the importance of tracing the linkages and interdependencies among all the industries that compose the value chain, differentiating the upstream segments from the downstream (Scott, 2004; Mol, Wijnberg & Carroll, 2005). Finally, the Systemic/Evolutionary approach holds that creative industries are evolutionary systems characterized by processes mainly grounded in interactions (the “agents - networks - firms” triad) and social networks (Potts et al., 2008: 170). Here, creative industries are defined and modelled as complex systems of activities, where agents and firms interact dynamically through value flows on the basis of a network structure. Supply and demand of creative goods is characterized as a process where “decisions both to produce and to consume are determined by the choice of others in the social

⁷⁸ Id., p.17

⁷⁹ Id., p.29

⁸⁰ Id., p.4

network” (Potts et al., 2008: 169-170).⁸¹ In order to be as accurate as possible in this mapping and the respective estimation of all the approaches analyzed, we used detailed 5-digit industry codes...The use of ISIC - Rev. 3.1 in all the industry based approaches that were mapped...⁸²

25. Given these perspectives, it is concluded that DotMusic’s scientific methodology was not an attempt to construe a community to be awarded a sought-after string because the model employed by DotMusic to define the music community is common practice and considered an industry standard as a scientific method in defining and delineating creative industries and communities given the vast array the music community member activities. The scientific method of organising recognized classification codes for community delineation purposes ensures the model is provides distinct advantages: Using a standardized system that enables benchmarking and comparability across classification sets or subsets, while at the same time ensuring consistency of approach. This is why, according to the Creative Economy Coalition’s research related to defining creative industries, nearly all research and expert reports used an array of related NAICS category codes to define and delineate creative industries:

Thirteen NAICS codes were used by 24 or more of the 25 reports; i.e., all or virtually all participants.... Our research suggests that the 39 NAICS codes used by 75% or more of the reports (i.e., 18 or more of the 25) could be considered a strong concurrence set of NAICS codes⁸³ ...to be jointly considered in the framing of a definition.⁸⁴

26. DotMusic eliminated non-music community members derived from any classification group by restricting each category and sub-category classification to “music-only” constituents to ensure that there is no overreaching with respect to the nexus between the proposed community and the string, and to eliminate any possibility of a wider remit than music.⁸⁵ For example, a music lawyer is classified under NAICS code 541110 (known as

⁸¹ Id., p.10

⁸² Id., p.12. With respect to ISIC vs. NAICS, “definitions of individual categories have been designed in a way that statistical data collected according to NAICS can be re-aggregated into the two-digit divisions of ISIC, Rev.4, ensuring the comparability of data.” See United Nations, International Standard Industrial Classification of All Economic Activities (ISIC), Rev.4 at http://unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf, p.37; Also see U.S. Census, “2012 NAICS to ISIC Rev.4,” at https://www.census.gov/eos/www/naics/concordances/2012_NAICS_to_ISIC_4.xls; Also see NAICS Association, “2016 NAICS to SIC Crosswalk” at <https://www.naics.com/naicswp2014/wp-content/uploads/2014/10/2016-NAICS-to-SIC-Crosswalk.pdf>

⁸³ Id., p.4

⁸⁴ Id., p.86

⁸⁵ For example, the fact that recently reformulated NAICS codes lump arts, entertainment and sports together makes it more difficult for researchers to distinguish arts [e.g. music] from other elements." (See Ann Markusen (University of Minnesota), Gregory H. Wassall (Northeastern University), Douglas DeNatale (Community Logic, Inc), Randy Cohen (Americans for the Arts), Defining the Cultural Economy: Industry and Occupational Approaches, November 2006 , pp.8 to .9, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.542.4308&rep=rep1&type=pdf>). To ensure that the delineation is consistent with the community defined and matches the applied-for string, DotMusic’s application specifically restricts eligibility to only the “music” subset of any NAICS code (See Venn diagrams for more detail).

“Offices of Lawyers”). The Office of Lawyers classification also includes other types of lawyers (i.e. non-music lawyers).

27. The Joint Organisation Experts’ Opinion agrees that the “music-only” classification methodology adopted by DotMusic restricts members to only the “music” category sets and subsets eliminating the inaccuracies, imprecisions and discrepancies in the U.S. Census model:

[The] U.S. Census data can effectively estimate many categories, but lack specificity in the NAICS codes for some music-related businesses. This lack of specificity leads to overestimation in the absence of further crosschecking or validation.⁸⁶

28. In the case of the Office of Lawyers NAICS code, adding the term “music” before the “general category” to delineate membership means that only “music lawyers” would qualify as an eligible community member, while any other type of “Office of Lawyers” unrelated to “music” would be excluded from the music community. DotMusic accurately added the term “music” in all of its member categories to ensure the community is strictly delineated and organised to relate to music only.

29. DotMusic’s selection of the NAICS classification method for delineation is appropriate because “in contrast to the SIC system, NAICS identifies hundreds of new and emerging industries.”⁸⁷ The NAICS methodology also allows for a more accurate delineation of industries that specifically distribute copyrighted works (i.e. in this case music community):

NAICS codes may also permit more precise recognition of the industries that specifically distribute copyright protected works.⁸⁸

30. Another study, commissioned by the Spokane Arts Commission and conducted in February 2007 by Dr. David Bunting, Dr. Patrick Jones and Mark Wagner from the Eastern Washington University’s Institute for Public Policy and Economic Analysis called “*The Economic Impact of the Arts in Spokane County*,” also supports the conclusion that DotMusic’s selection of the NAICS grouping methodology is the most accurate approach available to define a creative community:

NAICS provides a consistent framework for the collection, analysis and dissemination of industrial statistics used by government policy analysts, academics and researchers, the business community, and the public. Further, “it is a unique, all-new system for classifying business establishments. It is the first economic classification system to be constructed based on a single economic concept. Economic units that use like processes to produce goods or services are

⁸⁶ Id.

⁸⁷ Stephen E. Siwek, The Measurement of “Copyright” Industries, Review of Economic Research on Copyright Issues, 2004, vol. 1(1), <http://www.serci.org/docs/siwek.pdf>, p. 23

⁸⁸ Id., p.24

grouped together. This “production-oriented” system means that statistical agencies in the United States will produce data that can be used for measuring productivity, unit labor costs, and the capital intensity of production; constructing input-output relationships; and estimating employment-output relationships and other such statistics that require that inputs and outputs be used together.” [U.S. Census, 2007].⁸⁹

Dr. Bunting, Dr. Jones and Wagner used this methodology to defining the arts (Music is considered a sub-category of the arts) and in Section 3.3 called “*Defining the Arts*” highlighted that:

While artistic undertakings are commonly viewed in terms of individual creative activities such as acting, painting, singing, writing or playing some instrument, the economic aspects of these undertakings are considered in terms of community resources as represented by different occupations, business firms and organizations existing to create artistic outcomes. The following diagram illustrates this process. Community resources include not only individual artistic and creative abilities, but also all the support occupations and firms necessary for creative activities to be undertaken. For example, a play not only requires some sponsoring organization but also actors, directors, and managers as well as businesses to print and sell tickets, provide a venue, supply lighting and stage equipment, scripts, makeup materials and additional personnel to construct sets, play music, operate lights, and so on.⁹⁰

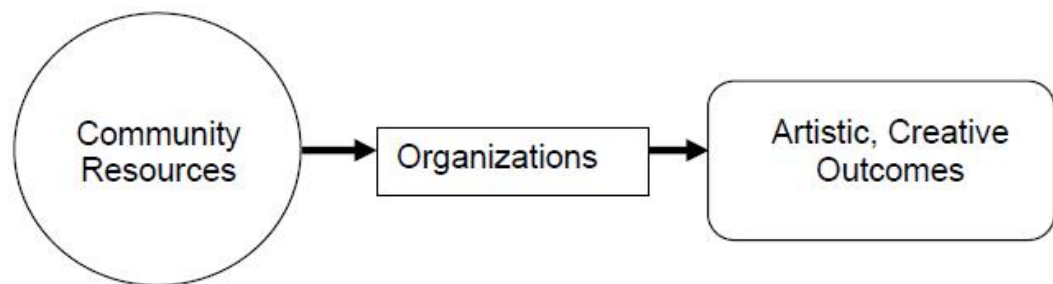


Table 3.3. Bunting, Jones and Wagner, “The Economic Impact of the Arts in Spokane County,” *Defining the Arts*, February 28, 2007

31. This assessment is consistent with DotMusic’s methodology and rationale that community resources, activities and participation must also include essential music-only member categories that make it “necessary for creative activities to be undertaken.” In other words, if DotMusic excluded any of its music member categories then activities from the music community defined would not be possible in their current form. Music community cohesiveness relies on all music community components and sub-components to work together in symbiosis. It is not possible for certain member categories to not have “considerable enough” cohesion because if these member categories are removed then

⁸⁹ Dr. David Bunting, Dr. Patrick Jones and Mark Wagner, “The Economic Impact of the Arts in Spokane County,” February 28, 2007 at <https://www.ewu.edu/Documents/CBPA/IPPEA/Arts%20Final%203-1-07.pdf>, p.18

⁹⁰ Id., p.17

the cohesion that the music community relies upon would cease to exist given the interconnected, symbiotic and interdependent nature of the community's constituent groups and the regulated sector they are organised under (i.e. are of similar nature).

32. The removal of any delineated music member category from the music community defined would result in a construed community and be inappropriate. There is no compelling research to show that excluding certain music member categories would result in lacking "considerable enough" cohesion for music community to operate as a whole. Further, the "incohesive" music constituent parts were not explicitly defined in the CPE Report in order to reach such a conclusion. Each constituent part delineated plays a significant role in the essential and cohesive functioning of the community defined. In fact, that is what makes the defined music community to have more cohesion than a commonality of interest.
33. DotMusic sensibly excluded non-essential (i.e. those that would not have a legitimate claim to identify themselves as members of the community) and peripheral entities that are unrelated to music from every "member category" to guarantee precision and accuracy in relation to the definition and to ensure that the community addressed matches the string in relation to music entirely without discriminating against the legitimate music members, while at the same time preventing any overreach beyond the community defined. The independent Nielsen Poll further supports the conclusion that DotMusic satisfies the Community Establishment and Nexus requirements. The Nielsen Poll, comprised of over two-thousand independent participants, examined whether the general public would clearly associate the string with the community defined and delineated. The vast majority of the Nielsen Poll's participants agreed that the community definition and the commonly-known name of community defined (i.e. the "music community") matched the "music" string. The Joint Organisation Experts' Opinion elaborates on the Nexus criteria in the Nexus section of this document.
34. The Music Community definition and its requisite awareness and recognition among Community members through their explicit participation and compliance was clarified in DotMusic's Application Materials:

The requisite awareness of the community is clear: participation in the Community, the logical alliance of communities of similar nature related to music, -- a symbiotic, interconnected eco-system that functions because of the awareness and recognition of its members. The delineated community exists through its members participation within the logical alliance of communities related to music (the "Community" definition). Music community members participate in a shared system of creation, distribution and promotion of music with common norms and communal behavior e.g. commonly-known and established norms in regards to how music entities perform, record, distribute, share and consume music, including a shared legal framework in a regulated sector governed by common copyright law under the Berne Convention, which

was established and agreed upon by over 167 international governments with shared rules and communal regulations.”⁹¹

35. Our Joint Organisation Experts’ Opinion also concurs with the opinion of expert ethnomusicologist Dr. Richard Burgess, which is in alignment with our organisational perspective:

From my perspective as an expert ethnomusicologist, it is essential to realize that the Community does not exist because of these international instruments; rather the instruments are a reflection of the fact that there is an organized Music Community. They satisfy a need of the Community, which is why the signatory states negotiated the treaties. All those who participate in music activities who demonstrably accept that they are subject to regulation is a reflection of having awareness and recognition that the Music Community exists. International instruments, such as the Berne Convention, are evidence of the existence of the Music Community. International treaties and agreements are a reflection of a need for rules that are accepted by a substantial number of nation states to serve the public interest and the public good with respect to those covered by the conventions. In my expert ethnomusicologist opinion, the existing international instruments provide the strongest evidence for Community existence that demonstrates awareness and recognition among its members.

As such, the Expert Ethnomusicologist Opinion agrees with the definition of the Music Community as an “alliance” of music communities that are organized under a regulated music sector and general principles of international copyright law and conventions of similar nature. DotMusic’s definition of the Music Community as an organized and delineated “alliance” of music communities of similar nature is the most accurate and reflective definition of the Community. Based on my music experience, the dictionary definitions of “alliance” align entirely with how the Music Community organizes itself. An “alliance” is defined as “a union between groups etc.: a relationship in which people agree to work together,” “an association to further the common interests of the members” (i.e. more of cohesion than a commonality of interest), a “union by relationship in qualities” or “a treaty of alliance.” While there may be many member category types, music constituents all are united under common principles, such as the protection of music. Community participation is thus not unwitting. It is based on active participation in activities that promote the best interests of the community – through debate, dissent, agreement. Simply because the Community across all member categories may not be in agreement or act together all the time does not mean that they disagree as to whether they are members of and participants in the Music Community identified by DotMusic.

36. According to the AGB, with respect to ‘Delineation’ and ‘Extension,’ it should be noted that a community can consist of [...] a logical alliance of communities (for example, an

⁹¹ DotMusic Public Interest Commitments (“PIC”), <https://gtldresult.icann.org/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>, p.6

international federation of national communities of a similar nature).⁹² Given the symbiotic nature of the community, DotMusic defines the global music community as an “alliance” of music communities. According to DotMusic’s application, “the Community is a strictly delineated and organized community of individuals, organizations and business, a “logical alliance of communities of a similar nature (“COMMUNITY”)” that relate to music.”⁹³ Furthermore, the “alliance” must cohere to shared values and a united mission as explicitly stated in the DotMusic application’s Mission and Purpose. According to DotMusic’s application, “only eligible members of the Music Community who comply with the values, purpose and mission of the TLD can participate; to ensure domains are used in a manner benefitting the Community; to protect intellectual property; and to safeguard domains from malicious conduct and copyright infringement.”⁹⁴ As such, any conclusion that the music community defined has “no requisite awareness” is inconsistent with the language contained in DotMusic’s application. The mere action of an alliance of organisations (representing the majority of global music consumed) submitting a support letter to ICANN is indicative of explicit not implicit “awareness.”

37. Musicians (or other music constituents for that matter) have an awareness (or recognition) that other member categories described by DotMusic are part of the music community, especially since they are delineated as “music-related.” For example, in the case of musicians or labels, if they require a music-related contract (i.e. in relation to music entertainment law), then they would hire a music lawyer. As such, there is awareness and recognition that “music lawyers” are part of the community. Also, with respect to “music therapy,” a person with Alzheimer’s disease could hire a licensed music therapist,⁹⁵ an entity that can self-identify as being part of the music community. The CPE Report’s assumption that self-identifying music constituents do not belong to the music community nor have any awareness of belonging to the music community is not supported by concrete evidence.

38. In addition, DotMusic’s Registration Policies prevent any sort of lack of awareness that a member belongs to the music community: It is a requirement that in order to qualify for eligibility, all community members **as a whole** must opt-in to the community defined by self-identifying that they are a music community member and comply with the community’s shared values, purpose and mission to participate. This is inconsistent with the CPE Report’s conclusion that “while some of the member categories may show cohesion within a category or across a subset of the member categories, the number of individuals included in the defined community that do not show such cohesion is

⁹² AGB, p.4-12

⁹³ DotMusic Application, 20A, para.3 at

<https://gtldresult.icann.org/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392> (emphasis added); Also see DotMusic Public Interest Commitments: “... Community definition of a “logical alliance of communities of similar nature that relate to music” ...” at

<https://gtldresult.icann.org/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>, § 5.i, p.2

⁹⁴ DotMusic Application, 20E

⁹⁵ According to the American Music Therapy Association, *music therapy* is the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy degree program.” <http://www.musictherapy.org/about/find>

considerable enough that the community defined **as a whole** cannot be said to have the cohesion required by the AGB.”⁹⁶

39. Based on our analysis and in our independent opinion as organisation experts, a conclusion that there is “no substantive evidence” that the defined Music Community in its entirety has cohesion⁹⁷ is not supported. Even though there is agreement that DotMusic’s application “bounds community membership by way of well-defined categories” that “provides a clear and straightforward membership definition,” there is no explicit identification of which “member categories” specifically total “the number of individuals included in the defined community that do not show cohesion.” Such a qualitative conclusion was not based on any quantitative analysis or benchmarking. There was no identification of the specific “member categories” that did not have “considerable enough” cohesion. Such a blanket statement does not provide compelling supporting evidence “that the community defined as a whole cannot be said to have the cohesion required by the AGB.” In order to reach to a qualitative conclusion of what constitutes “considerable enough,” the specific member categories should have been disclosed to conduct such a comparative analysis. The CPE Report did not explicitly mention which specific member categories (including their corresponding size in numbers) did not have considerable enough cohesion with the community defined. In order to investigate as a whole whether or not the “member categories without cohesion” exceed the “member categories with cohesion” both the variables should be identified and quantified. Given the unknown variables, no such conclusion can be substantiated adequately.
40. Any assertion that there is no “considerable cohesion” is not convincing because the “musician” category alone represents the overwhelming majority of the music community defined in numbers.⁹⁸ According to the National Association of Music Merchants, there are about 62 million musicians in the United States alone.⁹⁹ As such, it is not mathematically plausible that any other member category group (or collection of member groups) can “considerably” compromise the cohesiveness of the “community defined as a whole.”
41. In summary, there are two compelling reasons there is “more cohesion than a commonality of interest” with respect to the community defined. Firstly, all constituent member categories have the requisite awareness and recognition that their activities and participation in the community are conducted in coherence to general principles of international music copyright law and conventions and a regulated sector. Secondly, the size of the “Musical Artist and Groups” member category is larger in size than all other

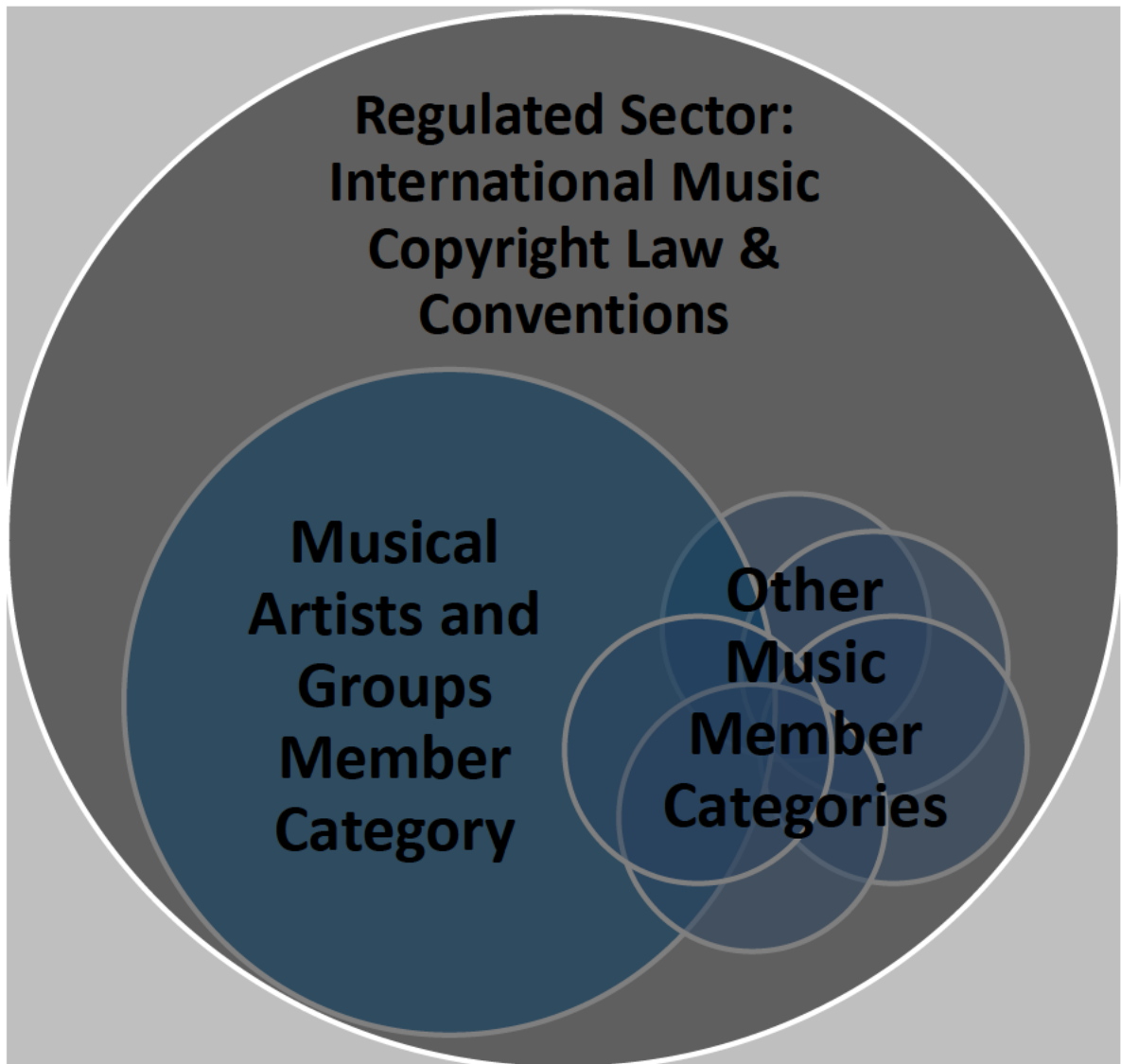
⁹⁶ DotMusic CPE Report, p.3

⁹⁷ DotMusic CPE Report, p.3

⁹⁸ According to DotMusic’s Application Materials, “DotMusic expects that the substantial majority of all of its registrations will originate from the music entity type classified as “Musical groups and artists” (e.g. See North American Industrial Classification System (NAICS) code 711130 or the United Nations Industrial Classification (ISIC) code 9214). (PIC at p.11). As such, it is not mathematically possible for any other collectively-organised member category to be considerable enough to exceed the “musical groups and artists” category or to substantially influence the defined music community with respect to what the AGB refers to as cohesion.

⁹⁹ Richard K. Miller and Kelli Washington, Leisure Market Research Handbook, “Music,” January 2010, p.247

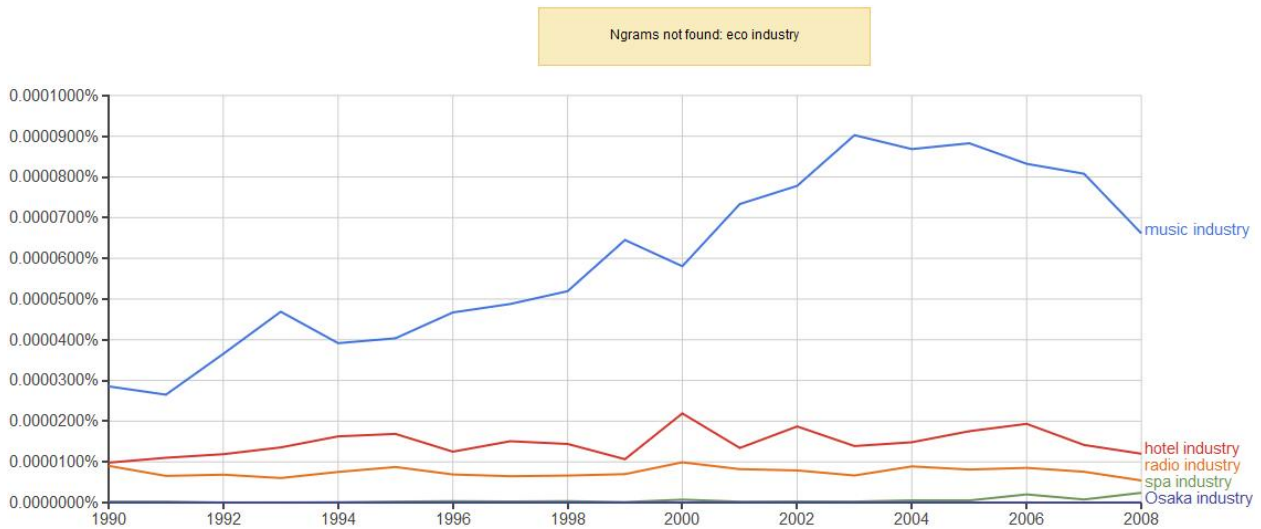
music member category types combined. As such, “the number of individuals included in the defined community that do not show such cohesion” cannot be “considerable enough that the community defined as a whole cannot be said to have the cohesion required by the AGB.” In other words, because it is indisputable that “Musical Artist and Groups” music member category type represents **more** than half of the total music community members, there is “**more** cohesion than a commonality of interest.” The Venn Diagram below illustrates these two compelling reasons that convincingly support the conclusion that the music community defined has “more cohesion than a commonality of interest:”



Venn Diagram: Member Cohesion under Regulated Music Sector, Int’l Copyright Law & Conventions.

42. The existence of an interconnected music industry is another example of “cohesion.” DotMusic defined the music community in terms of “individuals [either commercial or non-commercial], organizations [either commercial or non-commercial] and business [i.e. industry].” Google Books Ngrams is an online humanities research tool used to conduct

statistical analysis on online corpuses. According to Google Books Ngrams, the frequency of the “music industry” is multiples higher than the frequency of “radio industry,” “spa industry,” “hotel industry,” “eco industry,” and “Osaka industry” corresponding to all of the prevailing CPE determinations combined. Based on this empirical research alone, it is not possible to conclude that the community defined by DotMusic (which is well-known for its “cohesive” industry as demonstrated by Ngrams), does not qualify to meet the Community Establishment criteria for not having “considerable enough” cohesion. The table below charts this Ngrams graph:



A Comparison of the Frequency of “music industry,” “radio industry,” “spa industry,” “hotel industry,” “eco industry,” and “Osaka industry” in the English Corpus of Books published in the U.S. from 1990 to 2008, available at <https://books.google.com/ngrams>

The table provides a comparison of the frequency of “music industry,” “radio industry,” “spa industry,” “hotel industry,” “eco industry,” and “Osaka industry” in the English corpus of books published in the United States from 1990 to 2008.¹⁰⁰ The *x*-axis represents years, while *y*-axis represents the percentage of all bigrams/uniforms in the sample of books that are “music industry,” “radio industry,” “spa industry,” “hotel industry,” “eco industry,” and “Osaka industry.” Notably, even though the community applicant for .ECO prevailed CPE, Ngrams could not find any references to an “eco industry.”

¹⁰⁰ Google Books Ngrams, “music community,” “radio community,” “spa community,” “hotel community,” “eco community,” and “Osaka community” from 1990 to 2008. Available at https://books.google.com/ngrams/graph?content=music+industry%2Chotel+industry%2Cspa+industry%2Ceco+industry%2Cradio+industry%2COsaka+industry&case_insensitive=on&year_start=1990&year_end=2008&corpus=15&smoothing=0&share=&direct_url=t4%3B%2Cmusic%20industry%3B%2Cc0%3B%2Cs0%3B%3Bmusic%20industry%3B%2Cc0%3B%3BMusic%20Industry%3B%2Cc0%3B%3BMusic%20industry%3B%2Cc0%3B.t4%3B%2CChotel%20industry%3B%2Cc0%3B%2Cs0%3B%3Bhotel%20industry%3B%2Cc0%3B%3BHotel%20Industry%3B%2Cc0%3B%3BHotel%20industry%3B%2Cc0%3B%3BHOTEL%20INDUSTRY%3B%2Cc0%3B.t4%3B%2Cspa%20industry%3B%2Cc0%3B%2Cs0%3B%3Bspa%20industry%3B%2Cc0%3B%3BSpa%20Industry%3B%2Cc0%3B.t4%3B%2Cradio%20industry%3B%2Cc0%3B%2Cs0%3B%3Bradio%20industry%3B%2Cc0%3B%3BRadio%20industry%3B%2Cc0%3B.t1%3B%2COsaka%20industry%3B%2Cc0

AN ORGANISATION MAINLY-DEDICATED TO THE COMMUNITY DEFINED

43. According to the AGB, “two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities.” There are many organisations that are mainly-dedicated to the music community defined that have supported DotMusic’s community application. “**Mainly-dedicated**” activities are defined as documented community activities that are “**more than anything else.**”¹⁰¹ With respect to organisational theory, interfirm linkages such as trade associations, play a critical role in promoting a community’s cognitive legitimacy (Aldrich and Staber, 1988).¹⁰² Trade associations represent their community’s interest to government agencies, playing a critical role in relation to activities that are considered central to the community’s cohesion, such as the adherence to the regulated sector’s principles of international copyright law and conventions.¹⁰³
44. The International Federation of Musicians (FIM) is an international federation that is **fully dedicated to music**. According to FIM’s support letter for DotMusic, the FIM “is **mainly dedicated** to the global music community defined by representing the “voice of musicians worldwide.” FIM is the only music body and international federation recognised to represent musicians and their trade unions globally with members in over 60 countries”¹⁰⁴ As mentioned earlier, the “musician” constituent type is the **main** music community member category **because** it represents the **majority** of the Music Community defined in numbers.
45. According to the FIM’s website, the FIM’s “**main** objective is to protect and further the economic, social and artistic interests of musicians.” Other documented activities, according to their website include “furtherance of the organisation of musicians in all countries,” “promoting of national and international protective legislative (or other) initiatives in the interests of musicians,” and “furtherance of all appropriate efforts to make good music a common property of all people.”¹⁰⁵ These activities are consistent with the shared principles of the music community defined. The FIM’s documented music activities are globally recognized by (and has consultative status with) the United Nations Economic and Social Council (ECOSOC). The FIM’s documented activities to promote music and protect music copyright and the interest of musicians are also demonstrated through its permanent observer status with the World Intellectual Property Organization (WIPO) and the Organisation Internationale de la Francophonie (OIF). The

¹⁰¹ Oxford dictionary definition for “mainly” at <https://en.oxforddictionaries.com/definition/mainly>

¹⁰² Howard E. Aldrich and Udo H. Staber, Organizing business interests: Patterns of trade association foundings, transformations, and deaths. In G. R. Carroll (Ed.), *Ecological models of organization* (1988), pp. 111 to 126

¹⁰³ Howard E. Aldrich and Marlene C Fiol, Fools rush in? The institutional context of industry creation, *The Academy of Management Review*, (1994), p.658

¹⁰⁴ FIM Support Letter for DotMusic at <https://www.icann.org/en/system/files/correspondence/machuel-to-icann-05oct15-en.pdf>, p.1

¹⁰⁵ International Federation of Musicians, FIM in Brief at <https://www.fim-musicians.org/about-fim/history>

FIM also consults the Council of Europe, the European Commission and the European Parliament. FIM is also a member of the International Music Council (IMC).¹⁰⁶

PRE-EXISTENCE, SIZE AND LONGEVITY

46. Under the AGB, Pre-existence requires that the Community defined by the applicant “must have been active prior to September 2007.” Under AGB, the community (as defined by applicant) must be of “considerable size [‘Size’] and longevity [‘Longevity’].” Size requires that the “community is of considerable size.”¹⁰⁷ Longevity requires that the community (as defined by applicant) “was in existence prior to September 2007.”¹⁰⁸
47. It cannot be concluded that “the community as defined in the application was not active prior to September 2007” because DotMusic’s application explicitly states that the date of formation was the “18th century.” According to DotMusic’s application, “the foundation for the structured and strictly delineated Community only resulted from the interplay between the growing music publishing business and an emerging public music concert culture in the 18th century (“PRE-EXISTING”).”¹⁰⁹ It is also common knowledge that the music community defined pre-existed 2007. For example, the FIM was formed in 1948,¹¹⁰ which pre-dates 2007.
48. With respect to “Size,” according to the DotMusic application, “[t]he Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries [...] with a Community of considerable size with millions of constituents (‘SIZE’).”¹¹¹ This satisfies the “Size” CPE criteria of “considerable size.” Even though it is not possible to provide a precise number for the size of the global music community defined, it is common knowledge that the size of the community is substantial in numbers.
49. With respect to “Longevity,” the CPE Report states that “the Panel acknowledges that as an activity, music has a long history and that many parts of the defined community show longevity. However, because the community is construed, the longevity of the defined community as a whole cannot be demonstrated.”¹¹² According to the AGB: “‘Longevity’ means that the pursuits of a community are of a lasting, non-transient nature.” DotMusic’s application explicitly states that “the Community has bought, sold, and

¹⁰⁶ UNESCO, “International Federation of Musicians,” at <http://ngo-db.unesco.org/r/or/en/1100025135> (Retrieved on November 22, 2015 at <https://web.archive.org/web/20151122114237/http://ngo-db.unesco.org/r/or/en/1100025135>); Also see UNESCO at http://portal.unesco.org/culture/en/ev.php-URL_ID=4613&URL_DO=DO_TOPIC&URL_SECTION=201.html

¹⁰⁷ See AGB, “‘Size’ relates both to the number of members and the geographical reach of the community, and will be scored depending on the context rather than on absolute numbers,” p.4-11

¹⁰⁸ AGB, “‘Longevity’” means that the pursuits of a community are of a lasting, non-transient nature,” p.4-12

¹⁰⁹ Id., DotMusic Application 20A, last paragraph

¹¹⁰ International Federation of Musicians, “FIM in brief” at <https://www.fim-musicians.org/about-fim/history>

¹¹¹ DotMusic Application, 20A, para.4 at

<https://gtldresult.icann.org/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>

¹¹² DotMusic CPE Report, p.5

bartered music for as long (“LONGEVITY”) as it has been made...”¹¹³ As such, the Music “Community defined will not cease to exist in the future. In fact, no-one can demonstrate with any precision or certainty that the community defined by DotMusic (including its supporting organisations) will cease to exist. As long as music is made, distributed and sold, musicians, creators, the music industry and the music community (across all its music member categories) will continue to exist indeterminately.

50. Furthermore, the CPE Panel appears to make an assumption that the music community’s reliance on the organised international framework based on international copyright law and conventions will not continue into the future. The global music community and copyright law will adapt accordingly as long as there is a music community. This Joint Organisation Experts’ Opinion is consistent with the European Commission’s initiatives for the modernisation of the EU copyright rules “to adapt the EU copyright rules to the realities of the Digital Single Market, on 14 September 2016.”¹¹⁴ In other words, governments and institutions will adapt principles of international music copyright law to the music community needs and requirements over time.

THE MUSIC COMMUNITY, DEFINED AS AN “ORGANIZED AND DELINEATED ALLIANCE OF MUSIC COMMUNITIES OF SIMILAR NATURE THAT RELATE TO MUSIC,” IS HELD TOGETHER BY SHARED SETS OF NORMS, VALUES AND PRACTICES

51. According to DotMusic’s application, “[t]he Community and the .MUSIC string share a core value system ... subscribing to common ideals.”¹¹⁵ Importantly, music communities are held together by shared sets of norms, values and practices. Accordingly, communities confer identity to their members. These can be geographically defined¹¹⁶ and can also be defined based on stylistic overlap, such as genres. With respect to stylistic overlap, one can identify sub-communities that are organised through genre and nested within the overarching, comprehensive music community.

52. The music community defined is an “organized and delineated alliance of communities.” Furthermore, an “alliance” is defined as “a union or association formed for mutual benefit,” “a relationship based on similarity of interests, nature, or qualities” and “the state of being joined or associated.”¹¹⁷ Such a definition inherently has “more cohesion than a commonality of interest” because the music community defined is held together by a shared set of norms, values and practices.

53. These shared set of norms, values and practices are the reason that DotMusic defined the music community as a “strictly organized and delineated community of individuals,

¹¹³ DotMusic 20A, last paragraph.

¹¹⁴ European Commission, Modernisation of the EU Copyright Rules at <https://ec.europa.eu/digital-single-market/en/modernisation-eu-copyright-rules>

¹¹⁵ DotMusic Application, 20D

¹¹⁶ The geographic breadth of the music community is global as indicated in DotMusic’s Application (20A): “The Music Community’s “geographic breadth ... inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries.”

¹¹⁷ See Oxford Dictionary definition of “alliance” at <https://en.oxforddictionaries.com/definition/alliance>

organizations and business, a logical alliance of communities of similar nature that relate to music.” The Oxford Dictionary defines an “alliance” as “a union or association formed for mutual benefit,” “a relationship based on similarity of interests, nature, or qualities” and “the state of being joined or associated.”¹¹⁸ Accordingly, by definition, the music community addressed has awareness and recognition since it is strictly defined in terms of an organised and delineated alliance, with “a union or association formed for mutual benefit” and “a relationship based on a similarity of interests [and] nature,” with a “state of joined or associated” delineated music member categories.

54. DotMusic’s application requires community members as a whole to holistically cohere to music community’s shared set of norms, values and practices, allowing “only eligible members of the Music Community who comply with the values, purpose and mission of the TLD can participate”¹¹⁹ while “[f]ollowing a neutral multi-stakeholder governance of fair representation of all global music constituents.”¹²⁰ There are many examples in DotMusic’s application with respect to the music community’s shared set of norms, values and practices. Such music community cohesion can be addressed in a wide array of ways, such as (i) self-identification as having a tie to music with explicit recognition and awareness of belonging to a community of others (based on music category type), which may include a tie to culturally-based music genres; (ii) involvement in music activities in relation to specific music member categories; (iii) participation in music-related events and possible inclusion in a music community member organization(s) and (iv) inclusion in the music industry and the provision of specific music-related services within the music industry (i.e. business¹²¹).
55. Such shared set of norms, values and practices are also observed in other community applications that were awarded the full points under the Delineation criterion:

With respect to .ECO: “cohesion and awareness is founded in their demonstrable involvement in environmental activities... who ‘demonstrate active commitment, practice and reporting.’ This involvement may vary among member categories.”¹²²

With respect to .SPA: “Members...recognize themselves as part of the spa community as evidenced...by their inclusion in industry organizations and participation in their events.”¹²³

With respect to .HOTEL: “the community is defined in terms of its association with the hotel industry and the provision of specific hotel services.”¹²⁴

¹¹⁸ See Oxford Dictionary definition of “alliance” at <https://en.oxforddictionaries.com/definition/alliance>

¹¹⁹ DotMusic Application, 20E

¹²⁰ DotMusic Application, 20B; Also see the .MUSIC Governance Board at <http://music.us/board>

¹²¹ The music community addressed was also defined in terms of its association with the music industry: A “community of ... individuals, organizations and business ... that relate to music.”

¹²² .ECO CPE Report at <https://www.icann.org/sites/default/files/tlds/eco/eco-cpe-1-912-59314-en.pdf>, p.2

¹²³ .SPA CPE Report at <https://www.icann.org/sites/default/files/tlds/spa/spa-cpe-1-1309-81322-en.pdf>, p.2

¹²⁴ .HOTEL CPE Report at <https://icann.org/sites/default/files/tlds/hotel/hotel-cpe-1-1032-95136-en.pdf>, p.2

With respect to .OSAKA: “the Osaka Community is largely defined by its prefectural borders,” whose members “self identify as having a tie to Osaka, or with the culture of Osaka.”¹²⁵

With respect to .RADIO: “the community as defined consists of entities and individuals that are in the radio industry and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” and “membership in the (industry) community is sufficiently structured.”¹²⁶

With respect to .GAY: “there is an implicit recognition and awareness of belonging to a community of others who have come out as having non-normative sexual orientations or gender identities, or as their allies.”¹²⁷

With respect to AICPA’s CPA: “members cohere by way of a shared organizational mission, professional status, and participation in the conferences, events,”¹²⁸ and with respect to CPA Australia: “members cohere by way of a shared organizational mission, professional status, and participation in the several events and training programs.”¹²⁹

With respect to Merck Registry Holdings’ .MERCK: “members cohere by way of a shared corporate governance, values, and mission,”¹³⁰ and with respect to Merck KGaA’s .MERCK: “members cohere by way of a shared corporate governance, financials, and mission statement.”¹³¹

THE AGB STATES THAT THE CPE PANEL MUST PREVENT “FALSE NEGATIVES” (I.E. NOT AWARDING PRIORITY TO A QUALIFIED COMMUNITY APPLICATION)

56. According to DotMusic’s Application, the music community was defined as an “alliance of communities that relate to music.” In accordance to the instructions of the AGB, DotMusic delineated the music community according to constituents (i.e. “member categories”) to adhere with the AGB’s requirement that “[f]or a community consisting of an alliance of groups, details about the constituent parts are required.”¹³² Per the AGB, DotMusic provided details about all of the “constituent parts” of the community that

¹²⁵ .OSAKA CPE Report at <https://icann.org/sites/default/files/tlds/osaka/osaka-cpe-1-901-9391-en.pdf>, p.2

¹²⁶ .RADIO CPE Report at <https://icann.org/sites/default/files/tlds/radio/radio-cpe-1-1083-39123-en.pdf>, p.2

¹²⁷ .GAY CPE Report, <https://www.icann.org/sites/default/files/tlds/gay/gay-cpe-rr-1-1713-23699-en.pdf>, p.2

¹²⁸ AICPA .CPA CPE Report, <https://icann.org/sites/default/files/tlds/cpa/cpa-cpe-1-1911-56672-en.pdf>, pp.2 to 3

¹²⁹ CPA Australia .CPA CPE Report, <https://icann.org/sites/default/files/tlds/cpa/cpa-cpe-1-1744-1971-en.pdf>, p.2

¹³⁰ Merck Registry Holdings .MERCK CPE Report, <https://www.icann.org/sites/default/files/tlds/merck/merck-cpe-1-1702-73085-en.pdf>, p.2

¹³¹ Merck KGaA .MERCK CPE Report, <https://www.icann.org/sites/default/files/tlds/merck/merck-cpe-1-980-7217-en.pdf>, p.2

¹³² AGB, Attachment to Module 2, Evaluation Questions and Criteria: “*Descriptions should include: How the community is structured and organized. For a community consisting of an alliance of groups, details about the constituent parts are required,*” Notes, 20A, A-14

would be deemed essential music-related constituents with a legitimate claim in belonging to the music community, which would also ensure that the Nexus is satisfied by including all music-related constituents. If the AGB requires all constituents consisting of an “alliance” in relation to music be detailed, then it would be reasonable to assume that the community applicant would not be penalized for following explicit instructions, especially if it is a Nexus requirement that the community defined must match the string. This is a “Catch-22” situation. In order to meet the Nexus criteria, all constituent parts must be named. The AGB explicitly states that the evaluation process must prevent “false negatives” (i.e. not awarding priority to a qualified community application).¹³³ The music community defined indeed is a “real community” across all the breadth of music categories delineated by DotMusic.

COMMUNITY ESTABLISHMENT CONCLUSION

57. DotMusic’s Application meets all the criteria under the Community Establishment section.

CPE SECTION ON NEXUS BETWEEN PROPOSED STRING AND COMMUNITY

58. A community application qualifies for 3 points if “the string matches the name of the community or is a well-known short-form or abbreviation of the community.”¹³⁴ The CPE Report does not explain or provide supporting evidence to show that “music” is not a “well known short-form or abbreviation of the community”¹³⁵ defined in DotMusic’s application. It also appears that DotMusic’s explicitly labeled Community “Name” (the “Music Community”) was replaced with an imprecise label to correspond to the community Name (“member categories.”).

59. The “music community” name is the most commonly term used to refer to the community defined, across all its breadth of categories to represent both music industry members and non-industry music members. It is the most accurate and commonly-known term as evidenced by its reference by major publications, which use the term “music community” to identify the community that the general public would associate with that would also matches with the “music” string.

60. According to the AGB’s Nexus criteria, the full 3 points are awarded if the proposed string (“music”) is “a well-known short-form or abbreviation of the community.” The proposed string does not have to be “the only well-known short-form or abbreviation of the community” and does not have to be “the only term that closely describes the community.” The Nexus also corresponds to the “community” Name (labeled as the “Music Community” by DotMusic) not the “constituent parts” (i.e. the “member categories”).

¹³³ DotMusic CPE Report, p.4; Also *see* AGB, 4.2.3 Community Priority Evaluation Criteria, 4-9

¹³⁴ AGB, 4-12

¹³⁵ AGB, 4-12

61. While there is no requirement that the “music community” name must be the only umbrella term or established name for the community (or even that it be the most popular term), in fact the name “music community” remains the most popular term in common parlance to describe the community addressed that would match the string to include both the commercial and non-commercial aspects of the music community defined. Publications establish that the name “music community” is the most popular term to encompass both commercial and non-commercial music constituents. The term’s frequent use by the global music community constituents in various arenas and in formal statements (e.g. to government and the media) further demonstrates that the “music community” name has increased and consolidated as a “well-known” name to address the community defined in its entirety.

As illustrated in great depth, the media also frequently substitutes or interchanges the terms “music industry” and “music community” as synonyms. From an organisational perspective, the most accurate and established name to define the community addressed by DotMusic is the “music community” because the “music industry” may only connote the commercial aspect of “music” in relation to the members of the community participating. Since the “delineated and organized alliance of music communities” addressed was defined by DotMusic in terms of “individuals, organizations and business that relate to music,” industry is a subset of the global music community. While DotMusic could have defined the community addressed as the “music industry” or the “music sector,” the only definition and established name of the community that would encompass both economic and non-economic music-related members to match the “music” string and the community defined in its entirety is the “music community.”

62. Articles on WIPO’s magazine and website, also commonly referred to the community addressed and music sector as the “music community.”

“A vibrant music economy drives value for cities in several important ways. It fuels job creation, economic growth, tourism development and artistic growth, and strengthens a city’s brand. A strong music community also attracts highly skilled young workers in all sectors for whom quality of life is a priority.”¹³⁶

“It is up to the music community, not the user, to find solutions and to work together to build a sustainable ecosystem for musicians to work in, so that creators are fairly compensated for the use of their work.”¹³⁷

63. In their Creative Economy Report 2013, the United Nations Development Programme (UNDP) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) referred to the “music community” name to make a distinction that the “music community” is not merely organised under economic terms (i.e. the “music

¹³⁶ WIPO, WIPO Magazine, “How cities benefit from helping the music industry grow,” September 2015, at http://www.wipo.int/wipo_magazine/en/2015/05/article_0009.html

¹³⁷ WIPO, WIPO Magazine, “Mycelia: Shaping a new landscape for music,” April 2016 at http://www.wipo.int/wipo_magazine/en/2016/02/article_0002.html

community” is not defined as the “music industry”) even though the “music business” component of the “music community” is an integral part of the community:

“The music industry was central to the Memphis economy in the late 1960s and early 1970s, when the city was one of the world’s major recording centres. While the city is better known for music tourism than music production, the city remains rich in musical talent and the music community has always been as important as the music business.”¹³⁸

64. A study carried out by Richard Letts on behalf of UNESCO also refers to the community addressed by DotMusic as the “music community:”

“There is something of a dilemma in some government-supported initiatives for economic development of the music industry. If economic objectives are to the forefront then development logically will attempt to address the largest possible public. This can mean placing the focus on a narrow rather than a diverse range of genres and possibly on genres that are promoted by the international music industry. The dilemma is that in the great majority of developing countries there is concern in the music community at least that traditional music genres appealing to minority audiences are in danger of extinction.”¹³⁹

GLOBAL MUSIC COMMUNITY MENTIONING “MUSIC COMMUNITY” NAME

65. In April 2016, twenty music organizations, (including prominent DotMusic’s supporting organisations), filed a joint comment as the “Music Community” to the U.S. Copyright Office.¹⁴⁰

66. On April 12, 2016,¹⁴¹ the International Federation of Phonographic Industry defined the community addressed as a “united music community” in its IFPI Global Music Report 2016:

“The message is clear and it comes from a united music community: the value gap is the biggest constraint to revenue growth for artists, record labels and all music rights holders. Change is needed - and it is to policy makers that the music sector looks to effect change.”

¹³⁸ UNESCO and UNDP, “Creative Economy Report 2013,” at <http://www.unesco.org/culture/pdf/creative-economy-report-2013.pdf>, p.37

¹³⁹ Richard Letts, UNESCO, The Protection and Promotion of Musical Diversity, June 2006 at <http://unesdoc.unesco.org/images/0021/002154/215412e.pdf>, p.48

¹⁴⁰ Regulations.gov, Before the U.S. Copyright Office – Library of Congress, “American Association of Independent Music et al. (“Music Community”) - First Round Comments,” Comment on the U.S. Copyright Office (COLC) Notice: Section 512 Study, April 1, 2016, at <https://www.regulations.gov/document?D=COLC-2015-0013-89806> (See PDF at <https://regulations.gov/contentStreamer?documentId=COLC-2015-0013-89806&attachmentNumber=1&disposition=attachment&contentType=pdf>)

¹⁴¹ IFPI, “IFPI Global Music Report,” 2016 April 12, 2016 at <http://ifpi.org/news/IFPI-GLOBAL-MUSIC-REPORT-2016>

67. On June 29, 2016, more than one thousand artists signed a letter to the president of the European Commission on behalf of the “music community,” asking that the EC clarify “safe harbor” laws that are misapplied to corporations that distribute and monetise musical works:

“The future is jeopardised by a substantial “value gap” caused by user upload services such as Google’s YouTube that are unfairly siphoning value away from the music community and its artists and songwriters.”¹⁴²

GLOBAL MEDIA MENTIONING “MUSIC COMMUNITY” NAME

68. Based on our research, all the major and popular news publications globally that we investigated (including the most visited news sites according to Alexa¹⁴³) have used the term “music community.” Based on a cursory news search in relation to the corresponding name of the community defined in DotMusic’s application (the “music community”), there is compelling evidence that this is the established name of the community that the general public and media would use in connection with the community addressed in DotMusic’s application. Media examples include (refer to underlined text):

BBC:

“YouTube were unfairly siphoning value away from the music community and its artists and songwriters.”¹⁴⁴

Billboard:

“...the music community is continuing to do its part to raise relief funds...”¹⁴⁵

The New York Times:

“Throughout the year, members of the music community come to us asking to make changes to the awards process, and we work with them to figure out how those changes might work.”¹⁴⁶

¹⁴² See Letter to European Commission by recording artists calling for a solution to the value gap, “Securing a sustainable future for the European music sector,” June 29, 2016 at <http://www.impalamusic.org/sites/default/files/pictures/attachedfiles/Recording%20Artists%20calling%20for%20a%20Solution%20to%20the%20Value%20Gap.pdf>

¹⁴³ See Alexa, “Top 500 sites on the web” at <http://www.alexa.com/topsites/category/Top/News/Newspapers>

¹⁴⁴ BBC, “YouTube ordered to pay more for music by Europe,” September 14, 2016, at <http://www.bbc.com/news/business-37360757>

¹⁴⁵ Billboard, “Music Community Continues To Raise Tsunami Aid,” January 7, 2005, at <http://www.billboard.com/articles/news/64610/music-community-continues-to-raise-tsunami-aid>

¹⁴⁶ New York Times, “Grammy Awards Tweak Rules for Streaming Music,” June 16, 2016, at <http://www.nytimes.com/2016/06/17/arts/music/grammys-streaming-eligibility-new-artist.html>

USA Today:

“The music community continues to mourn the April 21 death of Prince as questions mount about the future of his estate...”¹⁴⁷

The Wall Street Journal:

“This has set off alarms within the music community...”¹⁴⁸

Sky:

“That's why we pay nearly 70% of our revenue back to the music community.”¹⁴⁹

The Los Angeles Times:

“... has already stirred up the world music community with the updated mixture of Indian *ghazals* (pronounced rozzles) and Western pop on her ‘Qareeb’ album.”¹⁵⁰

The Times of India:

“The presence of IMI (Indian Music Industry, a trust that represents the recording industry distributors in India), did make a lot difference to the entire set-up and structure of the music community.”¹⁵¹

The Sun:

“Taylor always gives a lot of respect to the country music community, and always goes back to how much she loves Nashville.”¹⁵²

The Daily Mail:

“Tributes have been pouring in from figures within the music community.”¹⁵³

The China Daily:

“Hard work and a sensational voice won him first prize, much to the amazement of the British music community.”¹⁵⁴

¹⁴⁷ USA Today, “Day 6: Prince's sister says he left no will,” April 26, 2016, at <http://www.usatoday.com/story/life/music/2016/04/26/death-of-prince-day-6-music-community-mourns/83534746>

¹⁴⁸ Wall Street Journal, “The Unsung Success of Live Classical Music,” October 3, 2008, at <http://www.wsj.com/articles/SB122299103207600279>

¹⁴⁹ Sky News, “Taylor Swift Pulls All Her Music From Spotify,” November 4, 2014, at <http://news.sky.com/story/taylor-swift-pulls-all-her-music-from-spotify-10383860>

¹⁵⁰ Los Angeles Times, “Najma Popularizes Sounds of India,” May 18, 1991, at http://articles.latimes.com/1991-05-18/entertainment/ca-1827_1_love-poems

¹⁵¹ The Times of India, “Pakistani band Soch enters Bollywood with ‘Awari,’” June 15, 2014, at <http://timesofindia.indiatimes.com/entertainment/hindi/music/news/Pakistani-band-Soch-enters-Bollywood-with-Awari/articleshow/37121770.cms>

¹⁵² The Sun, “Country music stars The Shires praise Taylor Swift for bringing genre to the masses as they release latest single,” August 31, 2016, at <https://www.thesun.co.uk/tvandshowbiz/1705640/country-music-stars-the-shires-praise-taylor-swift-for-bringing-genre-to-the-masses-as-they-release-latest-single>

¹⁵³ Daily Mail, “The last pictures of Lemmy,” December 19, 2016, at <http://www.dailymail.co.uk/tvshowbiz/article-3376979/Legendary-rocker-Lemmy-Kilmeister-dies-aged-70.html>

¹⁵⁴ China Daily, “A life enriched by music, and vice versa,” August 9, 2015 at http://www.chinadaily.com.cn/kindle/2015-08/09/content_21541176.htm

Al Jazeera:

“The music community also paid tribute to the record-breaking artist over the weekend.”¹⁵⁵

Forbes:

“The goal of The Recording Academy has always been to ensure that music remains an indelible part of our culture. Since it was established, it has provided programs to serve as a resource to the music community.”¹⁵⁶

The Toronto Star:

“... putting a certain priority on music and the music community.”¹⁵⁷

The Herald Sun:

“...a platform to become a part of the local and international music community...”¹⁵⁸

CNN:

“Nashville bails out from catastrophic flooding, the country music community will be leading the charge to rebuild Music City.”¹⁵⁹

The Huffington Post:

“The early music community in general is ‘very female heavy’...”¹⁶⁰

The Guardian:

“The music community has been oddly quiet in a period of turmoil.”¹⁶¹

Fox News:

“I don't think that the indie music community needs this large parade and open invitation to the industry to thrive and be important, but it's definitely a nice place to hang out.”¹⁶²

¹⁵⁵ Al Jazeera, “Houston's death had no signs of ‘foul play,’” February 13, 2012, at <http://www.aljazeera.com/video/americas/2012/02/201221342512424912.html>

¹⁵⁶ Forbes, “MusiCares, The Red Cross Brand For The Music Community,” May 17, 2016 at www.forbes.com/sites/steveolenski/2016/05/17/musicares-the-red-cross-brand-for-the-music-community

¹⁵⁷ Toronto Star, “What Toronto has learned from SXSW and Austin, its sonic sister city. As South by Southwest lights up for another year, it's time to take stock of how the ‘music-city alliance’ has panned out so far,” March 16, 2016, at <https://www.thestar.com/entertainment/music/2016/03/16/what-toronto-has-learned-from-sxsw-and-austin-its-sonic-sister-city.html>

¹⁵⁸ Herald Sun, “Rock City finds out how retrosexual radio adventurer Edd Fisher got involved with PBS FM and more,” May 12, 2014, at <http://www.heraldsun.com.au/blogs/mikey-cahill/rock-city-finds-out-how-retrosexual-radio-adventurer-edd-fisher-got-involved-with-pbs-fm-and-more/news-story/7eaa4c7133e19e5fddce6fcffad18e81>

¹⁵⁹ CNN, “Country stars to help rebuild Music City,” May 5, 2010, at <http://www.cnn.com/2010/SHOWBIZ/05/05/nashville.stars.flooding>

¹⁶⁰ Huffington Post, “Emily Davidson: Making It In Early Music Takes Guts...And Gut Strings,” June 1, 2016, at http://www.huffingtonpost.com/michaellevin/emily-davidson-making-it- b_10163784.html

¹⁶¹ The Guardian, “Behind the music: Political music tries to break down barriers – on the streets and on the radio,” January 26, 2012 at <https://www.theguardian.com/music/musicblog/2012/jan/26/political-music-murkage>

¹⁶² Fox News, “Indie-Structable Rock Scene Smashes Major Labels,” November 16, 2003 at <http://www.foxnews.com/story/2003/11/16/indie-structable-rock-scene-smashes-major-labels.html>

Bloomberg:

“His version of marketing is making himself to be kind of an unassailable guy who can’t be bought, that doesn’t have the same compromised interests that anybody else in the music community has.”¹⁶³

Reuters:

“Zuckerberg is talking to a number of song-streaming services and music community sites...”¹⁶⁴

NBC:

“The Recording Industry Association of America issued a statement thanking the jury for recognizing the impact illegal downloading has on the music community.”¹⁶⁵

CBS:

“The music community’s efforts have triggered a national conversation, especially between parents and kids, about what’s legal and illegal when it comes to music on the Internet.”¹⁶⁶

ABC:

“It also laid the groundwork for his most recent album, “Rock N Roll Jesus,” which clearly takes some cues from the country music community.”¹⁶⁷

Time:

“The chip music community extends beyond its main centers in New York City, Tokyo, Stockholm and Melbourne, mostly though the Internet.”¹⁶⁸

CNBC:

“...with stronger relationships across the music community, record monetization metrics and highly engaged users.”¹⁶⁹

Chron:

“...Palmer started an Indiegogo campaign in the hopes of raising \$20,000 from the local music community ...”¹⁷⁰

¹⁶³ Bloomberg, “One Cranky Rocker Takes on the Entire Streaming Music Business,” August 10, 2016 at <https://www.bloomberg.com/features/2016-camper-van-beethoven-vs-spotify>

¹⁶⁴ Reuters, “Facebook eyes digital-music business: report,” October 17, 2008 at <http://www.reuters.com/article/us-facebook-idUSTRE49G2EJ20081017>

¹⁶⁵ NBC News, “Jury awards \$675K in music downloading case,” July 31, 2009 at

http://nbcnews.com/id/32236444/ns/technology_and_science-security/t/jury-awards-k-music-downloading-case

¹⁶⁶ CBS News, “Music Industry Settles 52 Lawsuits,” September 30, 2003 at <http://www.cbsnews.com/news/music-industry-settles-52-lawsuits>

¹⁶⁷ ABC News, “A Little Bit of Country Music Goes a Long Way for Nontraditional Artists,” November 18, 2008 at <http://abcnews.go.com/GMA/CMA/story?id=6282239>

¹⁶⁸ Time, “Game Boy Beats: Reaching Music’s Next Level at Blip Festival 2012,” May 29, 2012 at <http://techland.time.com/2012/05/29/game-boy-beats-reaching-musics-next-level-at-blip-festival-2012>

¹⁶⁹ CNBC, “Pandora plunges more than 20% on revenue miss,” February 5, 2015 at <http://www.cnbc.com/2015/02/05/pandora-plunges-17-on-revenue-miss.html>

The Hindu:

“Through his contribution, Bowie has been respected both within the music community and among general audiences.”¹⁷¹

The Chicago Tribune:

“...as she was known in the music community, commissioned five composers to set a number of poems by past United States poet laureate Billy Collins.”¹⁷²

The Hollywood Reporter:

“But the music community soon banded together to help victims of the attacks, participating in the September 21 telethon *America: A Tribute to Heroes*, which raised \$150 million...”¹⁷³

Rolling Stone:

“... partnered with environmental nonprofit Reverb to found the Green Music Group, which aims to facilitate the large-scale greening of the music community as a whole.”¹⁷⁴

Fortune:

“The media and music community seem divided on whether an Apple-Tidal combination would be a good idea.”¹⁷⁵

Variety:

“Warner Music insiders reacted to the news with a weary shrug (“when you announce a \$100 billion loss, everything’s for sale,” quipped one battle-hardened staffer). So did the rest of the music community, which has developed a well-honed sense of gallows humor amid tumbling record sales.”¹⁷⁶

¹⁷⁰ Chron, “Beloved Houston music venue owes thousands in property taxes, looks to music scene for help,” April 23, 2015 at <http://chron.com/entertainment/article/Popular-Houston-music-venue-owes-thousands-in-6219827.php>

¹⁷¹ The Hindu, “The man who defied labels,” January 12, 2016 at <http://www.thehindu.com/news/cities/mumbai/entertainment/the-man-who-defied-labels/article8095029.ece>

¹⁷² The Chicago Tribune, “A look at today’s classical music composers,” August 9, 2016 at <http://www.chicagotribune.com/suburbs/northbrook/lifestyles/ct-ppn-go-classical-music-commissions-tl-0728-20160726-story.html>

¹⁷³ The Hollywood Reporter, 9/11 Remembrance: How the Music Industry Was Impacted, September 11, 2011 at <http://www.hollywoodreporter.com/news/911-anniversary-how-music-industry-233863>

¹⁷⁴ Rolling Stone, “Artists going green,” December 2, 2014 at <http://rollingstone.com/artists-going-green#the-roots>

¹⁷⁵ Fortune, “That Digital Music Service You Love Is a Terrible Business,” July 1, 2016 at <http://fortune.com/2016/07/01/digital-music-business>; Fortune, “Music Industry Says Business Is Good But It Still Wants YouTube to Pay Up,” September 20, 2016 at <http://fortune.com/2016/09/20/riaa-youtube-streaming>

¹⁷⁶ Variety, “Music biz: Deal appeal?,” February 2, 2003 at <http://variety.com/2003/music/markets-festivals/music-biz-deal-appeal-1117879873>

The Hill:

“The cultural sector—including the music community—also benefit, with opportunities to chart their own course through cutting-edge technology, experimentation and collaboration.”¹⁷⁷

The Boston Globe:

“Boston’s music community knows how to band together in times of need. We’ve seen it over and over, artists helping others whose gear or van got stolen or supporting one another’s crowd-funding campaigns.”¹⁷⁸

The Washington Post:

“The music community has been fighting since the early days of radio to close the copyright loophole.”¹⁷⁹

Newsweek:

“...working with the MusiCares Foundation, which provides recovery for the music community.”¹⁸⁰

The Seattle Times:

“For the Seattle music community, benefits are the sound of caring for its own.”¹⁸¹

The Miami Herald:

“This is one of the most important orchestral groups in the United States, with some of the most significant composers of the 20th and 21st century...For the music community, they are a really big deal.”¹⁸²

New York Daily News:

“Brooklyn-based singer-songwriter and Bandcamp member, said she left MySpace because the site had lost relevance to the music community.”¹⁸³

¹⁷⁷ The Hill, “Fiber and the future of music,” June 19, 2014 at <http://thehill.com/blogs/congress-blog/technology/209828-fiber-and-the-future-of-music>

¹⁷⁸ Boston Globe, “Local music community unites for Keep Safe Boston,” December 8, 2014 at <https://www.bostonglobe.com/arts/music/2014/12/08/local-music-community-unites-for-keep-safe-boston/MHTyq4fLZkbubmI2oyPPYJ/story.html>

¹⁷⁹ Washington Post, “Musicians deserve to be paid for use of their work,” April 26, 2010 at <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/23/AR2010042305059.html>

¹⁸⁰ Newsweek, “Kevin Cronin: You Need to Fall to Rise,” April 26, 2008 at <http://www.newsweek.com/kevin-cronin-you-need-fall-rise-86259>

¹⁸¹ The Seattle Times, “For the Seattle music community, benefits are the sound of caring for its own,” December 3, 2015 at <http://seattletimes.com/life/for-the-seattle-music-community-benefits-are-the-sound-of-caring-for-its-own>

¹⁸² The Miami Herald, “Experimental music’s Bang on a Can All-Stars makes its Miami debut,” Saturday, June 1, 2015 at <http://www.miamiherald.com/entertainment/performing-arts/article22813035.html>

¹⁸³ NY Daily News, “Bandcamp sets its sights on conquering music industry, Myspace,” February 3, 2011 at <http://www.nydailynews.com/news/bandcamp-sets-sights-conquering-music-industry-article-1.132946>

The New York Post:

“YouTube went on the offensive on Thursday, saying it doesn’t shortchange artists but is rather a generous and nurturing force in the music community.”¹⁸⁴

San Francisco Chronicle:

“You can always choose to stand aloof from the artists you write about and type away with supposed objectivity in an ivory tower, but the way I see it you can’t be a truly involved music critic without developing relationships within the music community.”¹⁸⁵

Daily Mail:

“The Recording Industry Association of America issued a statement thanking the jury for recognising the impact illegal downloading has on the music community.”¹⁸⁶

MSNBC:

“The loss of Bowie has inspired a massive outpouring of grief in the music community and from fans across all social media platforms.”¹⁸⁷

The Financial Times:

“... Vevo’s relationship with Youtube is ‘very important,’ but that his focus is to partner with the music community to ‘create something unique, that frankly does not exist yet.’”¹⁸⁸

Indian Express:

“The music community has shown immense interest in the effort...”¹⁸⁹

The Atlantic:

“...making themselves indispensable to the music community...”¹⁹⁰

¹⁸⁴ New York Post, “Friends of the Band,” October 17, 2008 at <http://nypost.com/2008/10/17/friends-of-the-band>;
New York Post, “YouTube says it pays artists more generously than radio does,” April 28, 2016 at

<http://nypost.com/2016/04/28/youtube-says-it-pays-artists-more-generously-than-radio-does>

¹⁸⁵ San Francisco Chronicle, “Love Those Perks! / Critics Sound Off on the Ethics of Music Journalism,” January 21, 1999 at <http://www.sfgate.com/music/article/Love-Those-Perks-Critics-Sound-Off-on-the-2951185.php>

¹⁸⁶ Daily Mail, “Illegal download student who shared 30 songs online ordered to pay £404,000 to record labels,” August 1, 2009 at <http://www.dailymail.co.uk/sciencetech/article-1203608/Illegal-download-student-shared-music-online-ordered-pay-404-000-record-labels.html>

¹⁸⁷ MSNBC, “How David Bowie was always culturally ahead of the curve,” January 11, 2016 at <http://www.msnbc.com/how-david-bowie-was-always-culturally-ahead-the-curve>

¹⁸⁸ Financial Times, “Vevo changes key with Warner Music deal,” August 2, 2016 at <https://www.ft.com/content/e61d0b78-583d-11e6-9f70-badea1b336d4>

¹⁸⁹ Indian Express, “Alternative Indie sounds envelop music lovers,” January 19, 2016 at <http://indianexpress.com/article/music/last-day-of-wd-indie-fest-2015-alternative-indie-sounds-envelop-music-lovers>

¹⁹⁰ The Atlantic, “How I Learned to Stop Worrying and Love Technology,” July 28, 2010 at <http://www.theatlantic.com/entertainment/archive/2010/07/how-i-learned-to-stop-worrying-and-love-technology/60559>

U.S. News:

“This city has a rich arts and music community...”¹⁹¹

CBC:

“That connection to the music community has also given back to Couture in unexpected and generous ways.”¹⁹²

Adweek:

“...provides addiction recovery treatment to members of the music community.”¹⁹³

The Hill:

“The music community’s grievances are the following...”¹⁹⁴

The Tennessean:

“And we must pursue all avenues and remedies in Congress and the courts – like the landmark win on songwriter royalties that rejected the Google-friendly DOJ’s bogus ruling on “fractional” licensing of our work. The Ryman still stands a 120 years after its dedication because the music community has defended and supported it.”¹⁹⁵

ARS Technica:

“The message is clear, and it comes from a united music community: the value gap is the biggest constraint to revenue growth for artists, record labels and all music rights holders. Change is needed.”¹⁹⁶

Medium:

“Reforms are necessary to level the playing field and ensure that the entire music community derives the full and fair value of our work.”¹⁹⁷

¹⁹¹ U.S. News, “Best Places to Retire for Under \$40,000,” October 15, 2012 at

<http://money.usnews.com/money/retirement/articles/2012/10/15/best-places-to-retire-for-under-40000>

¹⁹² CBC, “Christa Couture on love, loss and the power of music to hold things together,” July 24, 2014 at

<http://cbc.ca/radio/unreserved/christa-couture-on-love-loss-and-the-power-of-music-to-hold-things-together-1.3687546>

¹⁹³ Adweek, “How This Watchmaker Is Turning Rock Icons’ Clothes Into Classic Timepieces,” October 26, 2015 at

<http://www.adweek.com/news/advertising-branding/how-watchmaker-turning-rock-icons-clothes-classic-timepieces-167709>

¹⁹⁴ The Hill, “Upstream Without A Payment,” September 14, 2016 at <http://thehill.com/blogs/pundits-blog/technology/295888-upstream-without-a-payment>

¹⁹⁵ The Tennessean, “T Bone Burnett: Treading on Hallowed Ground – Google, the Ryman, and The Future of Nashville Music,” September 22, 2016 at <http://www.tennessean.com/story/opinion/contributors/2016/09/20/t-bone-burnett-treading-hallowed-ground-google-ryman-and-future-nashville-music/90734982>

¹⁹⁶ ARSTechnica, “RIAA still hates the DMCA, even as streaming revenues soar,” April 12, 2016 at

<http://arstechnica.com/business/2016/04/riaa-still-hates-the-dmca-even-as-streaming-revenues-soar>

¹⁹⁷ Medium, “State Of The Music Business: What The Numbers Tell Us,” March 22, 2016 at

<https://medium.com/@RIAA/state-of-the-music-business-what-the-numbers-tell-us-63ce1524b30#.5485qahzg>

Music Week:

“...invited the music community to show its unity and activate "the untapped power of the music industry.”¹⁹⁸

Politico:

“At the same time, the music community is just now beginning to gain its footing in this new digital world...”¹⁹⁹

69. The Nexus section required that the Community defined must match the string. According to the CPE Panel interpretation of the AGB rules, in order to satisfy the Nexus criteria, an application’s community defined must be either “united or form a whole”²⁰⁰ or have a “single entity that serves all of [member] categories”²⁰¹ or be “representative of the defined community in its entirety.”²⁰²
70. According to the CPE Report, “over 40 categories of community member...that is further narrowed by the applicant’s requirement that “only those that are defined by and identify with the sub-set of the NAICS code that relates to “music” would qualify as a member of the Community.”²⁰³ The CPE Panel ignored its own words in its rationale under Nexus and construed an imprecise interpretation of DotMusic’s music-only delineated member categories: “The community, as defined in the application, includes some entities that are only tangentially related to music, such as accountants and lawyers, and which may not be automatically associated with the gTLD string.”²⁰⁴ Based on its application, DotMusic limited registration to “music-only” entities, regardless of constituent type.
71. DotMusic’s Answers to Clarifying Questions submitted to the CPE Panel confirm this assessment: “The only NAICS classifications that were delineated by DotMusic to define the community were those that were considered essential for “music.””²⁰⁵ As clarified by DotMusic to the CPE Panel, the “official NAICS code definition refers to a broader industry group than that delineated by DotMusic in its Application. ... [M]embers of the delineated community defined only include the “music” subset of each NAICS code set as cited in the Application. As the application indicates, every NAICS code is preceded by the applied-for string “music” to ensure that the Nexus of the string matches the community defined (i.e. a strictly delineated and organized community of individuals, organizations and business, a “logical alliance of communities of a similar nature” that relate to music (emphasis added): the art of combining sounds rhythmically, melodically or harmonically. (Question 20A)) and to exclude entities that have a no association or a

¹⁹⁸ Music Week, “U.S. Publishers push for music industry unity at NMPA AGM,” June 10, 2016 at <http://www.musicweek.com/news/read/us-publishers-push-for-music-industry-unity-at-nmpa-agm/065029>

¹⁹⁹ Politico, “Musicians protest royalty system,” November 15, 2012 at

<http://www.politico.com/story/2012/11/music-artists-protest-web-radio-royalty-system-083849>

²⁰⁰ DotMusic CPE Report, p.3

²⁰¹ Id., p.5

²⁰² Id., p.8

²⁰³ Id., footnote 2, p.5

²⁰⁴ Id., p.5

²⁰⁵ DotMusic Answers to Clarifying Questions (“CQ Answers”),

<https://icann.box.com/shared/static/w4r8b711mfs1yww46ey4fa009tkzk8cr.pdf>, Exhibit A21, p.14 of 999

non-essential relationship with “music” i.e. those casual entities that do not have the requisite awareness or recognition of the community are ineligible for registration.”²⁰⁶

72. Furthermore, DotMusic’s Answers to Clarifying Questions state: “According to the CPE Guidelines with respect to Nexus, there is no AGB language disallowing a community definition and delineation that may include complementary entities and subsets of the community, especially if they are essential components of the community defined (emphasis added) ... In order to match the string with the community defined it was vital to include all music constituent types – including complementary entities ... that are considered essential for the smooth functioning of the music (industry) community and its sector’s regulation ... involved in support activities ... aligned with the .MUSIC mission” are vital to the Nexus of the string to ensure the community is “complete” taking into consideration the primary Oxford Dictionary definition of “complement” defined as “a thing that completes” i.e. that makes whole or in the case of Nexus, it matches completely (emphasis added).”²⁰⁷ Moreover, DotMusic emphasizes that “while in other industries some complementors may be considered peripheral industries, the true test of a “matching” complementor is whether the complementor makes the defined community “whole” in alignment with the definition of “complement.””²⁰⁸
73. DotMusic also used an example to clarify its position and to show that its model of organization of a community that is “complete” (i.e. including all constituent parts that are considered “essential” to representative of the community that relates to music in its entirety) was consistent with prior CPE Panel determinations. For example, prevailing .SPA community application was awarded the full points under Nexus even though “the community as defined by the application also includes entities which are not spas or spa associations, such as distributors and providers of spa-related products and services. As described by the applicant, these affiliated services align closely with core spa services, and nothing in the application suggests that these entities are a nonessential component of the spa community (emphasis added). Furthermore, this category of the spa community is also included in the membership of organizations such as the International Spa Association. This subset of the community, along with the principal spa community, therefore, meets the requirement for “match” with regard to Nexus” (emphasis added) (Pg. 4 and Pg. 5).”²⁰⁹
74. In order for the Nexus to be satisfied so that the community defined matches the string, all music member categories must be included without discrimination. Furthermore, the AGB requires that in the case of a community comprised of an “alliance of groups” that all music member categories must be included and described without discrimination. DotMusic’s definition only includes constituents that “relate to music.” DotMusic did not include any constituents that are unrelated to music. From an organizational perspective, if DotMusic generally included “accountants” or “lawyers” without the “music” label then there would have been agreement that DotMusic’s community may have

²⁰⁶ Id., p.16 of 999

²⁰⁷ Id., p.20 of 999

²⁰⁸ Id.

²⁰⁹ Id., footnote 18, p.20 of 999

substantially overreached or included peripheral entities that were not “related to music.” As such, a “music accountant” or “music lawyer” cannot be peripheral because they are directly “related to music.”

This is consistent with the CPE Panel’s statement that “only those that are defined by and identify with the sub-set of the NAICS code that relates to “music” would qualify as a member of the Community.”

75. Moreover, DotMusic’s Public Interest Commitments further confirm the conclusion that DotMusic satisfied the Nexus CPE criteria and excluded any members that were considered peripheral, casual entities with a tangential relationship with music:

While some music constituent types in DotMusic’s definition and classification might comprise a minority in numbers (e.g. music lawyers) when compared to the primary and core constituent classification type (music groups and artists), the inclusion of every music constituent type is paramount to the purpose of the string ... Music would not function as it does today without the participation of all music constituent types. The inclusion of all music constituent types serves the public interest because it ensures the Community matches the nexus of the string without discrimination, while excluding peripheral, casual entities with a tangential relationship with the Community defined.²¹⁰

76. In our independent expert opinion, DotMusic accurately named the community defined as the “Music Community.” DotMusic delineated all “music” member categories without discrimination to match the “music” string. It is clear that entities that are tangential to “music” are not part of the Community defined. This is also explicitly confirmed in DotMusic’s Application Materials binding commitments “adhering to the DotMusic Eligibility policy of non-discrimination that restricts eligibility to Music Community members ... that have an active, non-tangential relationship with the applied-for string and also have the requisite awareness of the music community,”²¹¹ **“to exclude those with a passive, casual or peripheral association with the applied-for string”**²¹² and to “include[] all music constituents represented by the string.”²¹³

77. The CPE Report’s Nexus section does not appear to mention DotMusic’s labeled established community Name (the “Music Community”) in its assessment. Even without mentioning the established community name, it is not possible to conclude that the all-inclusive breadth of music-only “member categories” do not match the string. One cannot conclude that the “member categories” delineated were insufficient to match the string to satisfy the Nexus requirements because of DotMusic’s entirely holistic music “member categories” that include all music constituents associated with music (while excluding all

²¹⁰ Id., p.15

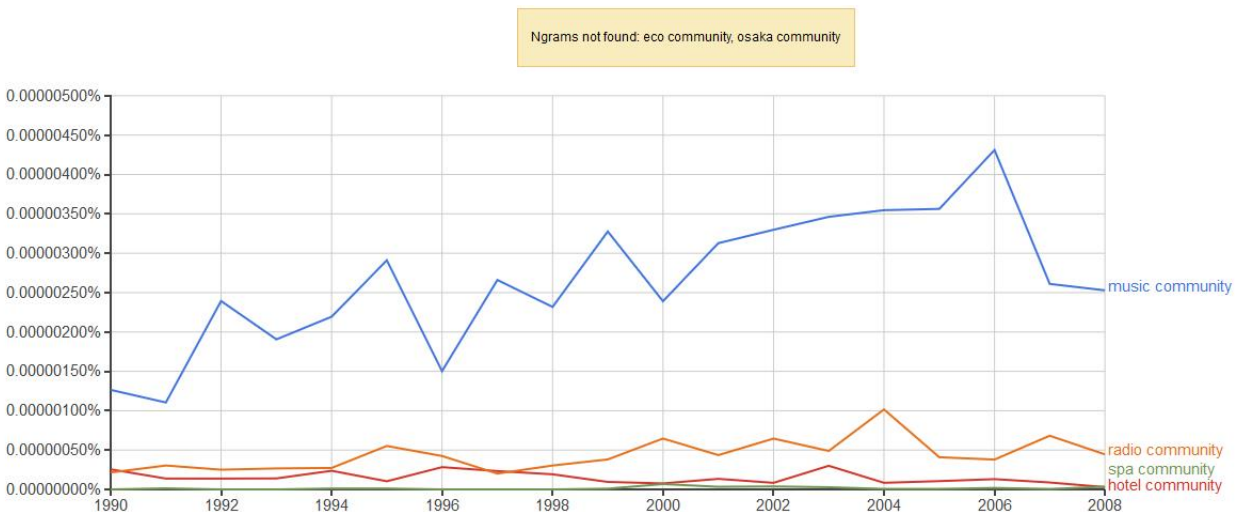
²¹¹ DotMusic Public Interest Commitments (PIC) at <https://gtldresult.icann.org/applicationstatus/applicationdetails/downloadpicposting/1392?t:ac=1392>, Enumerated Public Interest Commitment #3, p.1

²¹² Id., Enumerated Public Interest Commitment #4, p.2

²¹³ Id., Enumerated Public Interest Commitment #5, p.2

peripheral, casual entities). As specified by the CPE Report, the AGB rules intended to prevent “false negatives” i.e. not awarding priority to a qualified community application.²¹⁴

78. According to Google Books Ngrams, the frequency of the community “Name” (the “music community”) is multiples higher than all other community names combined in all prevailing CPE determinations. Based on this empirical research alone, the DotMusic CPE Report is inconsistent and unfounded, especially when it is compared to the prevailing CPE Reports for .RADIO, .SPA, .HOTEL, .ECO and .OSAKA with respect to the “Nexus” section. The table below charts this Ngrams graph:



A Comparison of the Frequency of “music community,” “radio community,” “spa community,” “hotel community,” “eco community,” and “Osaka community” in the English Corpus of Books published in the U.S. from 1990 to 2008, available at <https://books.google.com/ngrams>

The table provides a comparison of the frequency of “music community,” “radio community,” “spa community,” “hotel community,” “eco community,” and “Osaka community” in the English corpus of books published in the United States from 1990 to 2008.²¹⁵ The x-axis represents years, while y-axis represents the percentage of all bigrams/uniforms in the sample of books that are “music community,” “radio community,” “spa community,” “hotel community,” “eco community,” and “Osaka

²¹⁴ DotMusic CPE Report, p.4; Also see AGB, 4.2.3 Community Priority Evaluation Criteria, 4-9

²¹⁵ Google Books Ngrams, “music community,” “radio community,” “spa community,” “hotel community,” “eco community,” and “Osaka community” from 1990 to 2008. Available at https://books.google.com/ngrams/graph?content=music+community%2Chotel+community%2Cspa+community%2Ceco+community%2Cradio+community%2Cosaka+community&case_insensitive=on&year_start=1990&year_end=2008&corpus=15&smoothing=0&share=&direct_url=t4%3B%2Cmusic%20community%3B%2Cc0%3B%2Cs0%3B%3Bmusic%20community%3B%2Cc0%3B%3BMusic%20Community%3B%2Cc0%3B%3BMusic%20community%3B%2Cc0%3B.t4%3B%2Chotel%20community%3B%2Cc0%3B%2Cs0%3B%3Bhotel%20community%3B%2Cc0%3B%3BHotel%20Community%3B%2Cc0%3B.t1%3B%2Cspa%20community%3B%2Cc0%3B.t4%3B%2Cradio%20community%3B%2Cc0%3B%2Cs0%3B%3Bradio%20community%3B%2Cc0%3B%3BRadio%20Community%3B%2Cc0%3B%3BRadio%20community%3B%2Cc0%3B%3BRadio%20Community%3B%2Cc0

community.” Notably, Ngrams could not find any mention of “eco community” and “Osaka community,” the names of the eco and spa communities that prevailed CPE.

Evidence supports the Joint Organisation Experts Opinion that the “music community” Name is not only a “well” known short-form or abbreviation for the community it is the most accurate, representative and best known short-form or abbreviation for the community.

NEXUS CONCLUSION

79. In conclusion, DotMusic’s Application satisfies the criteria under the Nexus section.

CPE SECTION ON SUPPORT (UNDER COMMUNITY ENDORSEMENT)

80. The AGB requirement is that either an Application has documented support from a “recognized” organization or has support from the “majority” of the community defined. According to the AGB, “Support” means that the “Applicant is, or has documented support from, the recognized²¹⁶ community institution(s) / member organization(s).”²¹⁷ “With respect to “Support,” the plurals in brackets for a score of 2, relate to cases of multiple institutions / organizations. In such cases there must be documented support from institutions / organizations representing a majority of the overall community addressed in order to score 2.”²¹⁸

81. As mentioned earlier, FIM is a globally recognized music organisation. The IFPI is also another globally recognized organization for music. In fact, we have referenced the IFPI in some of our publications as part of our prior research with respect to the music community and its sector.²¹⁹

Other DotMusic supporters could also qualify as recognized organisations mainly dedicated to music. These include ASCAP and BMI, music performance rights organisations that “license about 90 percent of music heard online and in movies, TV shows and bars. ASCAP counts some 575,000 U.S. composers and songwriters among its members, while BMI has some 700,000 songwriters, composers and music publishers.”²²⁰

²¹⁶ AGB, “‘Recognized’ means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community,” pp. 4-17 to 4-18

²¹⁷ Id., p.4-17

²¹⁸ Id., p.4-18

²¹⁹ For example, *see* Noah Askin, Yuval Millo, Joeri Mol and Dean Pierides, The Conversation, “Shift to online music underscores power of a handful of tech giants,” April 16, 2015 at <https://theconversation.com/shift-to-online-music-underscores-power-of-a-handful-of-tech-giants-40230>

²²⁰ Reuters, “U.S. Justice Dept loses fight with BMI over fractional music licensing,” September 16, 2016, at <http://www.reuters.com/article/usa-music-licensing-idUSL2N1BS1YI>

The National Restaurant Association, an organization that is not directly related to the music community, recognises that music is an organised and regulated as well as identifies DotMusic supporting organisations ASCAP, BMI and SESAC as recognized music organisations that protect intellectual property and make licensing more cost-effective and convenient: “Music is one of the most important elements in establishing the mood in your restaurant, but under law, you must make sure you have the necessary licensing to comply with copyright statutes before playing it. Performing rights organizations (PROs), such as BMI, ASCAP and SESAC, act as intermediaries between restaurants and songwriters to protect intellectual property and make licensing more cost-effective and convenient. Restaurants pay a fee to the PROs for a blanket license that grants permission to use all of the music each organization represents, and they, in turn, distribute the fees, less operating expenses, to their affiliated songwriters, publishers and composers as royalties.”²²¹

82. According to the .HOTEL CPE Report that was awarded community priority, the CPE Panel recognized two organisations that were considered recognized and representative of the defined community: HOTREC and IH&RA. According to the .HOTEL CPE Report, “There are, in fact, several entities that are mainly dedicated to the community, such as the International Hotel and Restaurant Association (IH&RA), Hospitality Europe (HOTREC), the American Hotel & Lodging Association (AH&LA) and China Hotel Association (CHA), among others...”²²² [...] “The [.HOTEL] applicant possesses documented support from the recognized community institution(s)/member organization(s) ... These groups constitute the recognized institutions to represent the community, and represent a majority of the overall community as defined by the applicant.”²²³
83. According to Google Books (“the world's most comprehensive index of full-text books”²²⁴), the volume of references of DotMusic supporting organisations, such as the International Federation of the Phonographic Industry (IFPI) and the Recording Industry Association of America (RIAA) – organisations that were not deemed “recognized” or “representative” or “mainly dedicated” to the music community in the DotMusic CPE Report) – exceed the volume of references of the supporting organisations that were deemed “recognized,” “representative” and “mainly dedicated” to the hotel community in the .HOTEL CPE Report, such as the Hotels, Restaurants and Cafes in Europe (HOTREC) and the International Hotel & Restaurant Association (IH&RA). The table below shows that the IFPI and RIAA acronyms have significantly more recognition than the HOTREC and IH&RA acronyms:

²²¹ National Restaurant Association, “11 questions about music licensing” at <http://www.restaurant.org/Manage-My-Restaurant/Operations/Regulatory-back-office/11-questions-about-music-licensing>

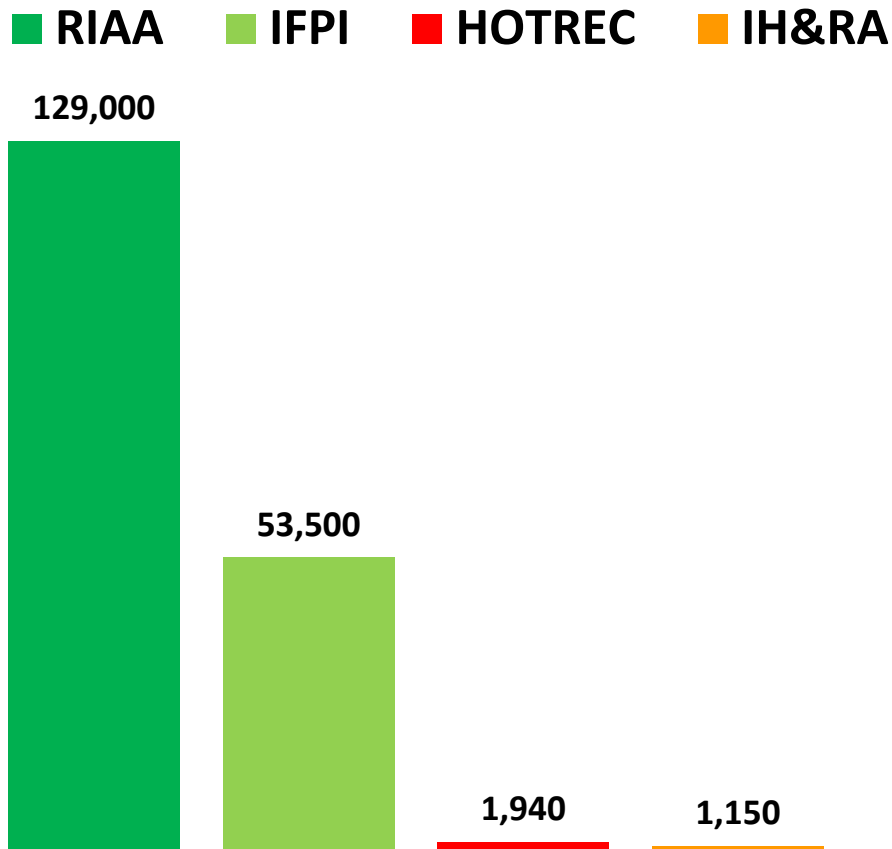
²²² .HOTEL CPE Report, at <https://icann.org/sites/default/files/tlds/hotel/hotel-cpe-1-1032-95136-en.pdf>, p.2

²²³ Id., p.6

²²⁴ Google Books at <https://books.google.com>

Google Books total search results

Source: <https://books.google.com> (Retrieved on Sept. 2016)



In this quick search test, the “IFPI” has significantly more Google Books search result references than the “IH&RA” at a ratio of nearly 47 to 1.²²⁵ Similarly, the “RIAA” in comparison to “HOTREC” has more Google Books search results at a ratio of over 66 to 1.²²⁶ This brief comparison test based on Google Books comprehensive book library indicates that DotMusic’s supporting organisations are at the very least as “recognized” as those organisations that have supported the .HOTEL community applicant that were deemed “recognized” by the CPE Panel.

Similarly, the table below shows that the “International Federation of the Phonographic Industry” and “Recording Industry Association of America” terms have significantly more recognition than the “Hotels, Restaurants and Cafes in Europe” and “International Hotel & Restaurant Association” terms:

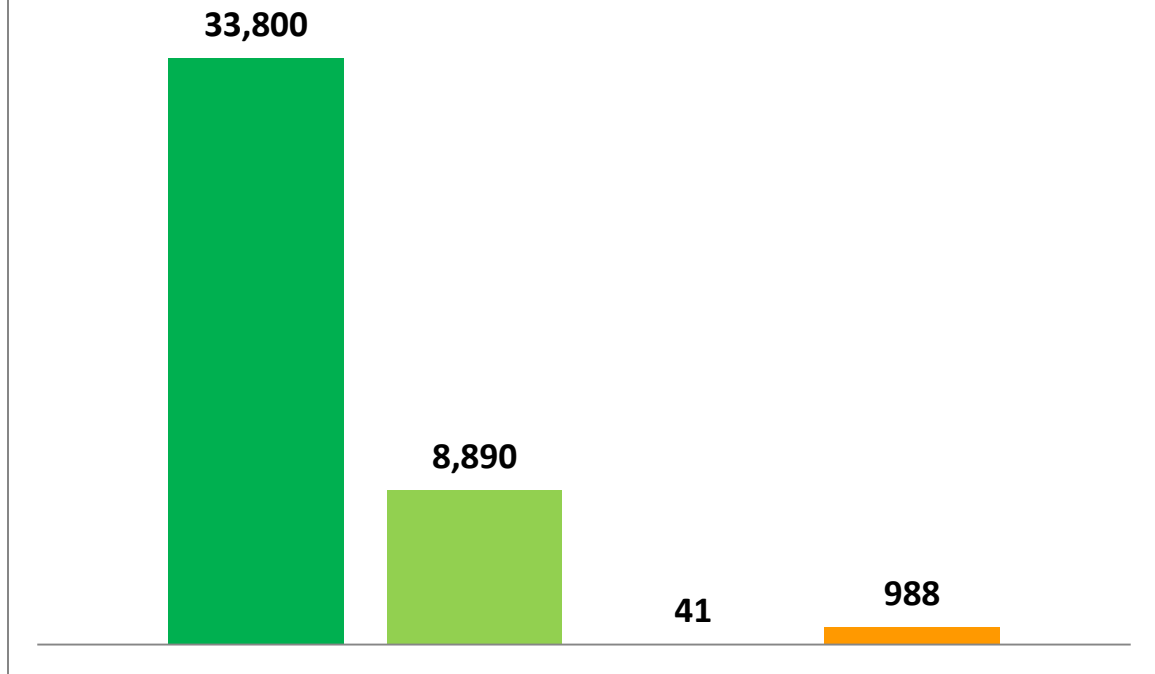
²²⁵ Google Books search for “IFPI” at <https://www.google.com/#tbm=bks&q=%22IFPI%22> and “IH&RA” at <https://www.google.com/#tbm=bks&q=%22IH%26RA%22>. Retrieved on September 27, 2016.

²²⁶ Google Books search for “RIAA” at <https://www.google.com/#tbm=bks&q=%22RIAA%22> and “HOTREC” at <https://www.google.com/#tbm=bks&q=%22HOTREC%22>. Retrieved on September 27, 2016.

Google Books total search results

Source: <https://books.google.com> (Retrieved on Sept. 2016)

■ RIAA ■ IFPI ■ HOTREC ■ IH&RA



Similarly, in this quick search test, the “International Federation of the Phonographic Industry” term has significantly more Google Books search result references than the “International Hotel & Restaurant Association” at a ratio of 9 to 1.²²⁷ Similarly, the “Recording Industry Association of America” in comparison to “Hotels, Restaurants and Cafes in Europe” has more Google Books search results at a ratio of over 824 to 1.²²⁸ This brief comparison test based on Google Books comprehensive book library indicates that DotMusic’s supporting organisations are at the very least as “recognized” as those

²²⁷ Google Books search for “International Federation of the Phonographic Industry” at <https://www.google.com/#tbn=bks&q=%22International+Federation+of+the+Phonographic+Industry%22> and “International Hotel & Restaurant Association” at <https://www.google.com/#tbn=bks&q=%22International+Hotel+%26+Restaurant+Association%22>. Retrieved on September 27, 2016.

²²⁸ Google Books search for “Recording Industry Association of America” at <https://www.google.com/#q=%22Recording+Industry+Association+of+America%22&tbn=bks> and “Hotels, Restaurants and Cafes in Europe” at <https://www.google.com/#tbn=bks&q=%22Hotels%2C+Restaurants+and+Cafes+in+Europe%22>. Retrieved on September 27, 2016.

organisations that have supported the .HOTEL community applicant that were deemed “recognized” by the CPE Panel.

84. Google Books Ngrams also shows that the IFPI is an extensively more “recognized” organisation than the IH&RA. The table below charts the “IFPI” and the “IH&RA” in an Ngrams graph:



FIGURE 1. A Comparison of the Frequency of “IFPI” compared to “IH&RA” in the English Corpus of Books published in the U.S. from 1933 to 2008, available at <https://books.google.com/ngrams>

Figure 1 is a comparison of the frequency of “IFPI” and “IH&RA” in the English corpus of books published in the United States from 1933 to 2008²²⁹ (1933 is the formation date of the IFPI). The *x*-axis represents years, while *y*-axis represents the percentage of all bigrams/uniforms in the sample of books that are “IFPI” and “IH&RA.”

According to Ngrams, the frequency of “IFPI” is multiples higher than “IH&RA,” despite the CPE determinations that the “International Hotel and Restaurant Association” is a “recognized” organisation for the hotel string, while the “International Federation of the Phonographic Industry” is not a “recognized” organisation for the music string. Based on this empirical research alone, the DotMusic CPE Report is inconsistent and unfounded, especially when it is compared to the prevailing .HOTEL CPE Report with respect to the “Support” section. Evidence supports that the IFPI is a “recognized” organisation as required by the AGB.

85. Google Books Ngrams also shows that the RIAA is an extensively more “recognized” organisation than the HOTREC. The table below charts the “RIAA” and the “HOTREC” in an Ngrams graph:

²²⁹ Google Books Ngrams for “IFPI” and “IH&RA” from 1933 to 2008. Available at https://books.google.com/ngrams/graph?content=IFPI%2C+IH%26RA&case_insensitive=on&year_start=1933&year_end=2008&corpus=15&smoothing=0&share=&direct_url=t4%3B%2CIFPI%3B%2Cc0%3B%2Cs0%3B%3BIFPI%3B%2Cc0%3B%3Bifpi%3B%2Cc0%3B.t1%3B%2CIH%20%26%20RA%3B%2Cc0#t4%3B%2CIFPI%3B%2Cc0%3B%2Cs1%3B%3BIFPI%3B%2Cc0%3B%3Bifpi%3B%2Cc0%3B.t1%3B%2CIH%20%26%20RA%3B%2Cc0

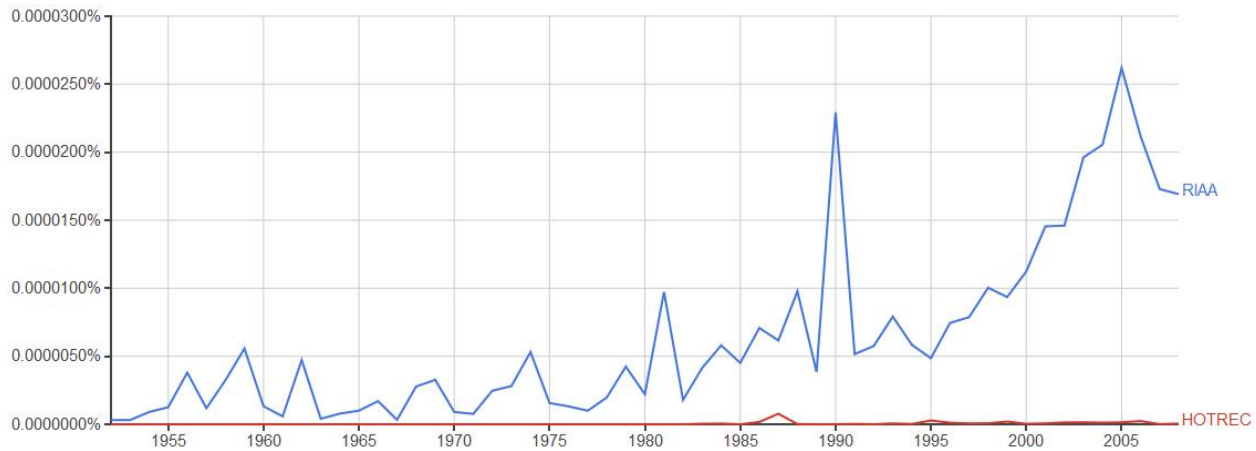


FIGURE 2. A Comparison of the Frequency of “RIAA” compared to “HOTREC” in the English Corpus of Books published in the U.S. from 1952 to 2008, available at <https://books.google.com/ngrams>

Figure 2 is a comparison of the frequency of “RIAA” and “HOTREC” in the English corpus of books published in the United States from 1952 to 2008²³⁰ (1952 is the formation date of the RIAA). The x-axis represents years, while y-axis represents the percentage of all bigrams/uniforms in the sample of books that are “RIAA” and “HOTREC.” According to Ngrams, the frequency of “RIAA” is multiples higher than “HOTREC,” despite the CPE determinations that the “Hotels, Restaurants and Cafes in Europe” is a “recognized” organisation for the hotel string, while the “Recording Industry Association of America” is not a “recognized” organisation for the music string. Based on this empirical research alone, the DotMusic CPE Report is inconsistent and unfounded, especially when it is compared to the prevailing CPE Report with respect to the “Support” section. Evidence supports that the IFPI is a “recognized” organisation as required by the AGB.

86. Even if one assumes that organisations, such as the IFPI, RIAA, ASCAP or BMI are not “recognized” (all these organisations are indeed globally recognized and representative of the community), DotMusic would satisfy the CPE Criteria for Support because its community application has “documented support from organisations that representing a majority of the overall community addressed.” This conclusion is consistent with the Expert Ethnomusicologist Opinion by Dr. Burgess and the Expert Legal Opinion by Dr. Blomqvist.

87. Even if one assumes that DotMusic “construed” the music community -- it has not because the community is “real” and has existed across all of the defined music member

²³⁰ Google Books Ngrams for “RIAA” and “HOTREC” from 1952 to 2008. Available at https://books.google.com/ngrams/graph?content=RIAA%20HOTREC&case_insensitive=on&year_start=1952&year_end=2008&corpus=15&smoothing=0&share=&direct_url=t4%3B%2CRIAA%3B%2Cc0%3B%2Cs0%3B%3BRIAA%3B%2Cc0%3B%3Briaa%3B%2Cc0%3B.t1%3B%20HOTREC%3B%2Cc0#t4%3B%2CRIAA%3B%2Cc0%3B%2Cs1%3B%3BRIAA%3B%2Cc0%3B%3Briaa%3B%2Cc0%3B.t1%3B%20HOTREC%3B%2Cc0

categories prior to 2007. Music organisations, such as the IFPI - founded in 1933,²³¹ ASCAP - founded 1914,²³² and BMI - founded in 1939,²³³ all pre-existed 2007 -- the Support criteria refers to the “community addressed” i.e. the community defined **by the applicant**. DotMusic has documented support from the entire “alliance of music communities” that constitutes the “community addressed” defined by the applicant. Either way, it is not possible to conclude that DotMusic does not have the Support of the majority of the “community addressed.”

88. It is also considered common knowledge within the music community that many DotMusic supporting music organisations (including major players operating in the music sector, such as the IFPI, RIAA, ASCAP and BMI) have been representative of the music community for decades. There is no evidence to conclude that the music community defined has no organisation and that it has been construed to be awarded .MUSIC. In our research in relation to the music sector over the years, we could not name one globally recognised music organisation that was missing from DotMusic’s supporters.

89. As disclosed by the Expert Opinions of Dr. Burgess and Dr. Blomqvist, DotMusic has documented support from organizations with members representing over ninety-five (95%) of global music consumed. From our organisational perspective, a reliable test to determine whether or not the community addressed is a “real community” or is to exclude all music community members represented by the supporting music organisations and examine the results i.e. to assess using deductive reasoning. If all the music represented by music organisations supporting DotMusic was disregarded then there would be limited music to listen to because over one hundred million songs (including nearly all of the most popular songs) would not be available for consumption.²³⁴ If all the DotMusic supporting organisations were excluded then there would be no organised music community to speak of or to produce the music that is consumed today.

SUPPORT CONCLUSION

90. As such, DotMusic’s Application satisfies both “Support” options to meet a score of 2. DotMusic has “documented support from, the recognized community institution(s) / member organization(s)”²³⁵ and “documented support from institutions/organizations

²³¹ IFPI, “Short History of IFPI, 1933-2013,” October 1, 2013, at <http://www.ifpi.org/downloads/ifpi-a-short-history-november-2013.pdf>

²³² ASCAP, “All About ASCAP” at <http://ascap.com/about/legislation/advocacy-resources/all-about-ascap.aspx>

²³³ BMI, “About” at <http://www.bmi.com/about>

²³⁴ For example, SoundCloud, an Associate Member of DotMusic supporting organisation A2IM (see <http://a2im.org/groups/soundcloud>), alone has an “expanded catalogue of more than 135 million tracks” as of August 23, 2016. See <https://blog.soundcloud.com/2016/08/23/soundcloud-brings-music-fans-135-million-tracks>

²³⁵ According to the .HOTEL CPE Report, the .HOTEL applicant fulfilled two options (either option was acceptable under the CPE Guidelines): “[t]hese groups constitute the recognized institutions to represent the community, and a majority of the overall community as described by the applicant.” (See .HOTEL CPE Report, <https://www.icann.org/sites/default/files/tlds/hotel/hotel-cpe-1-1032-95136-en.pdf>, p.6). Recognized organizations mainly dedicated to the hotel community included the nationally-based AH&LA and CHA. Consistent with the .HOTEL CPE Report’s “Support” rationale, DotMusic’s Application satisfies the “Support” criterion.

representing a majority of the overall community addressed.”²³⁶ DotMusic’s Application meets all the Support CPE criteria.

²³⁶ According to the .RADIO CPE Report: “[T]he applicant possesses documented support from institutions / organizations representing a majority of the community addressed [...]The applicant received support from a broad range of recognized community institutions/member organizations, which represented different segments of the community as defined by the applicant. These entities represented a majority of the overall community. The Community Priority Evaluation Panel determined that the applicant fully satisfies the requirements for Support.” (See .RADIO CPE Report, <https://www.icann.org/sites/default/files/tlds/radio/radio-cpe-1-1083-39123-en.pdf>, p.7). Consistent with the .RADIO CPE Report’s “Support” rationale, DotMusic’s Application also satisfies the “Support” criterion because it has support from recognized community organizations representing a majority of the overall community defined by the applicant.

CONCLUSION

91. The Joint Organisation Experts Opinion is in agreement with the Expert Legal Opinion of Honorary Professor of International Copyright Dr. Jørgen Blomqvist, the Expert Musicologist Opinion of Dr. Richard Burgess, and the forty-three (43) independent expert testimonies, which agreed unanimously that DotMusic's Application met the Community Establishment, the Nexus and the Support CPE criteria. Furthermore, the findings of the Nielsen Poll provided more independent supporting evidence to demonstrate that DotMusic's Application met the CPE criteria for Community Establishment and Nexus.

92. It is our Joint Organisation Experts' Opinion that DotMusic's application satisfies the full criteria under Community Establishment, Nexus and Support.

DR. NOAH ASKIN

ASSISTANT PROFESSOR IN ORGANISATIONAL BEHAVIOR
INSEAD
FONTAINEBLEAU, FRANCE

DR. JOERI MOL

CO-DIRECTOR OF CLUSTER FOR THE STUDY OF ORGANISATION SOCIETY AND MARKETS (COSM)

SENIOR LECTURER IN ORGANISATION STUDIES
UNIVERSITY OF MELBOURNE
MELBOURNE, AUSTRALIA

OCTOBER 11, 2016

APPENDIX A: ABOUT THE EXPERTS

ABOUT DR. NOAH ASKIN²³⁷

Noah Askin is an Assistant Professor of Organisational Behaviour at INSEAD in Fontainebleau. Noah's research interests include social and cultural networks, status, the production and consumption of music, authenticity, organizations, and higher education in the United States.

His current research focuses on two distinct areas. The first is the role and impact of status among colleges and universities in the United States. The second is on music: chart and industry dynamics, perceptions of authenticity, and cultural innovation.

Noah received a joint PhD from the University of Chicago's Sociology department and Chicago's Booth School of Business. He also has an MA in Sociology from the University of Chicago and an MBA from Booth, as well as an AB in Psychology from Harvard University.

Prior to graduate school, he spent time as a management consultant and as an early member of a start-up in the education space.

EMPLOYMENT:

2014 – Present:

INSEAD (Fontainebleau, France)

Assistant Professor of Organisational Behaviour

EDUCATION

2008-2014:

University of Chicago Booth School of Business (Chicago, IL)

Joint Ph.D. in Business (Economic Sociology) and Sociology (2014)

M.B.A. (2014)

M.A. in Sociology (2013)

1998-2002:

Harvard University (Cambridge, MA)

B.A., *cum laude*, in Psychology

2000:

Universidad San Pablo, CEU (Madrid, Spain)

Spanish language and culture immersion

²³⁷ Also see <https://www.noahaskin.com> and <https://www.insead.edu/faculty-research/faculty/noah-askin>

RESEARCH INTERESTS

Economic sociology, social networks, the production of culture, status, authenticity, music and cultural industries, higher education, diversity, innovation

PAPERS

Peer Reviewed Articles and Book Chapters

- Askin, Noah and Matthew S. Bothner. (2016) “Status-Aspirational Pricing: The “Chivas Regal” Strategy in U.S. Higher Education, 2006-2012.” *Administrative Science Quarterly*, 6(2), 217-253.
- Askin, Noah, Bothner, Matthew S., & Lee, Wonjae. (2015). “Emergence of Stratification in Small Groups,” in *Emerging Trends in the Social and Behavioral Sciences* (eds.) Robert Scott and Stephen Kosslyn, Hoboken, NJ: John Wiley and Sons.
- Askin, Noah and Michael Mauskapf. (2014). “Cultural Attributes and Their Influence on Consumption Patterns in Popular Music.” Pp. 508–30 in *Social Informatics, Lecture Notes in Computer Science*, edited by Luca Maria Aiello and Daniel McFarland. Springer International Publishing.

Working Papers & Research in Progress

- “What Makes Popular Culture Popular? Cultural Networks and the Competition for Audience Attention in Popular Music” (with Michael Mauskapf). Revise & Resubmit at *American Sociological Review*.
- “Peer Effects in Tournaments for Status: Evidence from Rank Dynamics of U.S. Colleges and Universities” (with Matthew S. Bothner). Preparing for submission.
- “Threading the Diversity Needle: The Impact of Minority Group Presence on Perceptions of Organizational Status.” Preparing for submission, draft available.
- “What is Social Status?” (with Matthew S. Bothner, Wonjae Lee, and Frédéric Godart). Preparing for submission, draft available.
- “‘You’re Turning into Something You Are Not’: Authenticity in an Increasingly Digitized and Commoditized World of Music” (with Joeri Mol). Preparing manuscript for edited volume *Frontiers of Creative Industries* (ed. Candace Jones).
- “High Risk, High Rewards? Team Diversity, Prior Experience and Grant Success” (with Kaisa Snellman and Linus Dahlander). Preparing for submission.

- “A Cultural Theory of Market Structure and Consumer Behavior” (with Michael Mauskapf and Klaus Weber). Preparing manuscript.
- “Understanding the Link Between Quality, Social Influence, and Success in Popular Music” (with Michael Mauskapf, Agnes Horvat, and Brian Uzzi). Analysis phase.
- “The network-based evolution of music over time” (with Michael Mauskapf, Joeri Mol, and Eric Quintane). Data collection and cleaning.

Non-Referenced Publications and Mainstream Media

- Noah Askin and Greg Liegel. 2012. “A (Brief) Look at Economic Sociology Across Academic Settings.” *Accounts: Economic Sociology Newsletter*. Spring, 11(2).
- Noah Askin, Dean Pierides, Joeri Mol and Yuval Millo. 2015. “Shift to online music underscores power of a handful of tech giants.” *The Conversation* (UK).
<https://theconversation.com/shifttoonline-music-underscores-power-of-a-handful-of-tech-giants-40230>.

GRANTS, HONORS, AWARDS, FELLOWSHIPS

2015:

Centre for Business Analytics research grant (PI: Joeri Mol); *The Promise of Big Data: Dynamics of Innovation within Networks of Cultural Production*

2014:

Best Presentation Award; Best Paper (Honorable Mention), 6th International Conference on Social Informatics, Barcelona, Spain

2009-13:

Teaching assistant top evaluation, Executive MBA Program (Chicago, London and Singapore Campuses)

INVITED TALKS & CONFERENCE PRESENTATIONS

2016:

Creative Industries Conference, Edinburgh, Scotland
Authenticity in an Increasingly Digitized and Commoditized World of Music

2016:

EGOS Annual Colloquium, Naples, Italy
Multiplex networks, influence, and innovation in popular music
A cultural theory of market structure and consumer behavior (co-author presenting)

2016:

COSM (Cluster for the Study of Organization, Society, and Markets) Workshop on Innovation and Creativity, Melbourne, Australia

A Cultural Theory of Market Structure

2015:

TEDxINSEAD, Singapore

What Makes Popular Culture Popular?

2015:

Academy of Management, Vancouver, BC, Canada

Threading the Diversity Needle: The Impact of Minority Group Presence on Perceptions of Organizational Status

2015:

American Sociological Association Annual Conference, Chicago, IL

Threading the Diversity Needle: The Impact of Minority Group Presence on Perceptions of Organizational Status

The Effect of Attribute-based Cultural Networks on Evaluation Outcomes in Popular Music (coauthor presenting)

2015:

Computational Social Science Summit, Chicago, IL

Network Science, Machine Learning, and Interactive Data Visualization: Tools to Study Cultural Production (panel)

2014:

USI Università della Svizzera italiana (Lugano), Lugano, Switzerland

Cultural Attributes and Their Influence on Consumption Patterns in Popular Music

2014:

6th International Conference on Social Informatics (SocInfo2014), Barcelona, Spain

Cultural Attributes and Their Influence on Consumption Patterns in Popular Music

2014:

European School of Management and Technology (ESMT), Berlin, Germany

The (Tangled) Web of Group Affiliations: The Impact of Minority Group Presence on Perceptions of Organizational Status

2014:

Academy of Management, Philadelphia, PA

State of the Arts: New Frontiers in the Analysis of Culture and Cultural Organizations (organizer)

Using Big Data to Explain Cultural Innovation: Evidence from Popular Music (presenter)

2014:

Knowledge Lab at the University of Chicago, Chicago, IL

A New Approach to Studying Production and Consumption Dynamics in Popular Music

2013:

Academy of Management, Orlando, FL

Status and Self-Presentational Pricing: The “Chivas Regal” Strategy in U.S. Higher Education, 2006-2012

2013:

EGOS Annual Colloquium, Montréal, QC

Status and self-presentational pricing: How status affects tuition of U.S. colleges and universities, 2006-2012

2013:

University of Chicago Social Theory & Evidence Workshop, Chicago, IL

Status and Self-Presentational Pricing: The “Chivas Regal” Strategy in U.S. Higher Education, 2006-2012

2012:

American Sociology Association Annual Conference, Denver, CO

Peer effects in tournaments for status: Evidence from dynamics in ranks of U.S. colleges and universities

2012:

Academy of Management, Boston, MA

Status-based Competition and Tournaments for Prestige (Symposium)

2012:

International Network of Analytical Sociologists, New York, NY

Peer effects in tournaments for prestige: Evidence from dynamics in ranks of U.S. colleges and universities

ACADEMIC AFFILIATIONS

2016 – Present:

Convener: Creative Industries Conference

2015 – Present:

Cluster for the Study of Organization, Society, & Markets (COSM)

2013 – Present:

European Group on Organizational Studies

2010 – Present:

Academy of Management

2009 – Present:
American Sociological Association

SERVICE

- Book Manuscript Review Board for *American Journal of Sociology*
- Ad Hoc Reviewer for *American Journal of Sociology*, *Academy of Management Journal*, *Organization Science*, *Administrative Science Quarterly*
- Reviewer for Academy of Management Annual Conference, Canadian Social Sciences and Humanities Research Council

UNIVERSITY SERVICE AND OTHER PROFESSIONAL EXPERIENCE

Teaching Experience

2016:

Executive Education Programs: Management Acceleration Program (INSEAD), Advanced Healthcare Compliance Implementation Leadership Program (INSEAD), Company Specific Programs (Various)

2016:

“Organizational Sociology,” INSEAD, PhD Course, January-February

2015-16:

“Organizational Behavior II,” INSEAD, MBA Core Course
(most recent ratings: 4.4 and 4.6/5 in spring 2016)

2014:

“Advanced Topics in OB/OT,” INSEAD, PhD Course, November-December

Teaching Assistant

2011-13:

“Strategic Leadership” with Matthew Bothner. University of Chicago Booth School of Business, London and Singapore Campuses, EMBA Program

2012-13:

“Designing Strategy for the Global Firm” with Ram Shivakumar. University of Chicago Booth School of Business, EMBA Program

2009-14:

“Competitive Strategy” with Ram Shivakumar. University of Chicago Booth School of Business, FEMBA, MBA and EMBA Programs

2009:

“Managing in Organizations” with Nick Epley. University of Chicago Booth School of Business.

Institutional Service

2015:

Recruiting Committee, INSEAD OB Area

2015:

PhD Recruiting Committee, INSEAD OB Area

Professional Experience

2005-07:

Regional Manager and Junior Partner, Revolution Prep. Santa Monica, CA & Boston, MA

2003-05:

Consultant, The Monitor Group. Santa Monica, CA

ABOUT DR. JOERI MOL²³⁸

Co-Director Cluster for the study of Organisation, Society and Markets (COSM) and the Senior Lecturer in Organisation Studies at the University of Melbourne

QUALIFICATIONS

PhD in Management Science, University of Groningen. (2006)

Master of Science in Economics, Erasmus University Rotterdam. (1998)

PROFESSIONAL MEMBERSHIPS

Academy of Management

Asian Pacific Research in Organization Studies

Association of Cultural Economics International

European Group of Organization Studies

International Association for the Study of Popular Music

PUBLICATIONS

Forthcoming:

“‘You’re Turning into Something You Are Not’: Authenticity in an Increasingly Digitized and Commoditized World of Music” (with Joeri Mol). Preparing manuscript for edited volume *Frontiers of Creative Industries* (ed. Candace Jones).

Journal Articles:

Lenglet, Marc, and Joeri Mol. "Squaring the speed of light? Regulating market access in algorithmic finance." *Economy and Society* (2016): 1-29.

Hill T, Canniford R, Mol J. (2014) "Non-representational marketing theory," *Marketing Theory: an international review*, vol.14 (4)

Quintane E, Pattison P, Robins G, Mol J. (2013) "Short- and long-term stability in organizational networks: Temporal structures of project teams," *Social Networks*, vol.35 (4), pp.528 - 540.

Mol JM, Chiu M, Wijnberg N. (2012) "Love Me Tender: New Entry in Popular Music," *Journal*

²³⁸ Also see <http://findanexpert.unimelb.edu.au/display/person100095#tab-Awards> and <https://theconversation.com/profiles/joeri-mol-161788>

of *Organizational Change Management*, vol.25 (1), pp.88 - 120.

Mol JM, Wijnberg NM. (2011) "From Resources to Value and Back: Competition Between and Within Organizations," *British Journal of Management*, vol.22 (1), pp.77 - 95.

Rossmann G, Chiu M, Mol JM. (2008) "Modeling diffusion of multiple innovations via multilevel diffusion curves: Payola in pop music radio," *Sociological Methodology*, vol.38 (1), pp.201 - 230.

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Mol JM, Wijnberg N.M., Carroll C. (2005) "Value Chain Envy : Explaining New Entry and Vertical Integration in Popular Music," *Journal of Management Studies*, vol.42 (2), pp.251 - 276.

Books:

Mol JM. (2006) "Non-Random Exchange; Value, Uncertainty and Strategy in the Market for Popular Music," Labyrinth Publications.

Chapters:

Mol J, Quintane. (2013) "Payola scandal at Sony Music," *Organisational Behaviour: Emerging Knowledge*, pp.32 - 32.

Quintane, Mol J. (2013) "Sony's move into music," *Organisational Behavior: Emerging Knowledge*, pp.504 - 505.

Ashkanasy SN, Mol J, Quintane. (2013) "Innovating Sony's killzone: Respawn or missing in action?," *Organisational Behavior: Emerging Knowledge*, pp.237 - 238.

Mol J, Quintane. (2013) "The creation of Sony," *Organisational Behavior: Emerging Knowledge*, pp.408 - 408.

Conference Publications:

Quintane E, Pattison P, Robins G, Mol J. (2013) "Short-term and long-term stability in electronic communication networks," *Academy of Management Best Papers Proceedings*

APPENDIX B: REFERENCES

REFERENCES

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ICANN-RELATED REFERENCES AND DOTMUSIC APPLICATION REFERENCES

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DotMusic community application, Application ID: 1-1115-14110, Prioritization Number: 448, at <https://gtldresult.icann.org/applicationstatus/applicationdetails/1392>

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