

**Subject:** Re: [Reconsideration Request] Update on Reconsideration Request 16-5  
**Date:** Thursday, April 5, 2018 at 1:07:05 PM Pacific Daylight Time  
**From:** Wong, Rosey (sent by reconsider <reconsider-bounces@icann.org>)  
**To:** reconsideration@icann.org  
**CC:** Jason Schaeffer, Paul Zamek, ALL DOT Music, Constantine Roussos  
**Attachments:** ATT00001.txt

Dear ICANN:

We write in response to your April 4, 2018 email on behalf of our client, DotMusic Limited (“DotMusic”). The email requests that DotMusic respond to several invitations from the BAMC regarding Reconsideration Request 16-5, specifically whether (1) DotMusic would like to make an additional submission to the BAMC, (2) DotMusic’s 2 February 2018 report is its supplemental submission to the BAMC, and (3) DotMusic wants to make a 30 minute telephonic presentation to the BAMC.

We have responded to the BAMC’s invitations in our 23 March 2018 letter (<https://www.icann.org/en/system/files/files/reconsideration-16-3-et-al-dotgay-dechert-to-icann-board-bamc-redacted-23mar18-en.pdf>[icann.org]).

As we have previously made clear to the BAMC, DotMusic rejects ICANN’s attempt to impose artificial constraints on any additional submissions regarding Reconsideration Request 16-5. In order to provide ICANN with further substantive comments on the CPE Process Review, DotMusic must have (1) an opportunity to review the underlying documents, and is willing to enter into a confidentiality agreement to achieve that end; (2) sufficient time (at least 3 months) to review those documents; and (3) a meaningful opportunity to submit additional materials without a 10-page limit. ICANN must bear the necessary costs and expenses for DotMusic to review the documents and prepare additional submissions.

The BAMC must identify its specific concerns regarding Reconsideration Request 16-5 after reviewing DotMusic’s additional submission, and provide DotMusic with the opportunity to make an *in-person* presentation that addresses those concerns. Furthermore, the BAMC’s review of Reconsideration Request 16-5 must involve a substantive review of the merits of the .MUSIC CPE report, taking into account all of the submitted materials supporting the community priority application.

We would appreciate a response from the BAMC by 12 April 2018.

Sincerely,  
Rose Marie Wong

**Rose Marie Wong**  
Associate

**Dechert LLP**  
Contact Information Redacted

**From:** Reconsideration <[Reconsideration@icann.org](mailto:Reconsideration@icann.org)>  
**Date:** April 4, 2018 at 8:22:24 PM EDT  
**To:** Constantine Roussos Contact Information Redacted  
Contact Information Redacted  
**Cc:** Reconsideration <[Reconsideration@icann.org](mailto:Reconsideration@icann.org)>  
**Subject:** Update on Reconsideration Request 16-5

Dear Messrs. Roussos and Ali – The below email was intended to be addressed to you relating to Reconsideration Request 16-5. Our sincere apologies for the typo in the salutation.

Best regards,  
ICANN  
12015 Waterfront Drive, Suite 300  
Los Angeles, CA 90094

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Dear Messrs. Baxter and Ali,

We write to follow up on the email below, in which we noted that the BAMC invites you to submit additional information relating to Request 16 5, provided that the submission is limited to any new information/argument based upon the CPE Process Review Reports. Any such additional submission shall be limited to ten pages. The deadline to submit such additional submission is 2 April 2018. To date, we have not received a supplemental submission from you or heard from you otherwise. We note that following the publication of CPE Process Review Reports, 2 February 2018, you submitted a report titled “Analysis of .MUSIC Community Priority Evaluation Process & FTI Reports.” ([https://www.icann.org/en/system/files/correspondence/roussos\\_to\\_marby\\_02feb18\\_en.pdf](https://www.icann.org/en/system/files/correspondence/roussos_to_marby_02feb18_en.pdf))[icann.org] If you would like us to deem that as DotMusic Limited’s additional submission in response to the CPE Process Review Process pursuant to the BAMC’s invitation, please advise. Or, if you intend to submit an additional submission, please advise.

In the email below, the BAMC also invited you to make a telephonic oral presentation to the BAMC in support of your reconsideration request and to let us know by 23 March if you would like to proceed with a telephonic presentation. We have also not heard from you on this issue.

Please advise by 6 April (1) whether you would like to treat the submission of 2 February 2018 as DotMusic Limited’s supplemental submission or if you intend to submit additional materials in support of Request 16 5 and if so, by when; and (2) whether you would like to proceed with a 30 minute telephonic presentation to the BAMC. Please include your availability for a 30 minute telephonic presentation in April and May with your response.

If we have not heard from you by 6 April 2018, we will presume that you do not intend to submit additional materials in support of Request 16 5 and that you do not wish to proceed with a telephonic presentation to the BAMC.

Best regards,  
ICANN  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094

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Dear Messrs. Roussos and Ali,

On 15 March 2018, in [Resolution 2018.03.15.11](#), the ICANN Board “directe[d] the Board Accountability Mechanisms Committee [BAMC] to move forward with consideration of the remaining Reconsideration Requests relating to the CPE process that were placed on hold pending completion of the [Community Priority Evaluation] (CPE) Process Review in accordance with the [Transition Process of Reconsideration Responsibilities from the BGC to the BAMC\[icann.org\]](#) document.”

To ensure that the review of the pending Reconsideration Requests are conducted in an efficient manner, the BAMC has developed a [Roadmap\[icann.org\]](#) for the review the requests. In accordance with the [Roadmap\[icann.org\]](#), the BAMC invites you to submit additional information relating to Request 16 5, provided that the submission is limited to any new information/argument based upon the CPE Process Review Reports. Any such additional submission shall be limited to ten pages. The deadline to submit such additional submission is two weeks from today, which is 2 April 2018.

Additionally, accordance with the [Roadmap\[icann.org\]](#), the BAMC invites you to make a telephonic oral presentation to the BAMC in support of your reconsideration request. Please note that the BAMC asks that any such presentation be limited to providing additional information that is relevant to the evaluation of Request 16 5 and that is not already covered by the written materials. If you would like to proceed with a telephonic presentation to the BAMC, please provide confirmation by 23 March 2018. Please include your availability for a 30 minute telephonic presentation in March and April with your response.

Best regards,  
ICANN  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094

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