ICANN POLICY FORUM 74

THE HAGUE

**Plenary Session:
Updates on Geopolitical, Legislative, and Regulatory Developments**

16 June 2022

Agenda

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Challenges, Impacts, and Mitigations

Challenges

- Growing focus of governments and IGOs on the DNS - including the tendency to attempt to address political or social challenges with technology "solutions"
- New regulations/legislation may not be DNS related, but could have negative unintended consequences on a stable globally interoperable Internet and on ICANN's activities and governance.
- Effectively monitoring more frequent and more widely dispersed deliberations, discussions, legislative drafting with potential to impact the security stability and resilience of the DNS.

Impacts

- Changes could impact ICANN's ability to perform its mission
- Disruption of SSR of the Internet
- Internet segmentation
- Political and/or reputational damage

Mitigations

- Engagement (bilateral meetings, webinars, training, workshops, virtual events)
- Targeted messaging
- Analytic publications to inform the community
- Ecosystem Mapping to prioritize engagement and relationship management, "Making new friends"

IGO Activities

IGO Activities and Processes

- **ITU in 2022**
  - WTSA: 1 - 9 March – outcome
  - ITU Council: 21 - 31 March – outcome
  - WTDC: 6 - 16 June - outcome
  - Plenipotentiary: 26 September - 14 October

- **UN General Assembly Committees deliberations**
  - UN AHC (2021 - 2024)
  - UN OEWG (2021 - 2025)

- **Recent GE publications with more information:**
  - GE-011: Country Focus Report: Russia (update)
  - GE-010: Country Focus Report: China Internet-Related Policy Initiatives and Laws
  - GE-009: Updates on cyber-related deliberations at the United Nations

CoE | OECD

CoE

- Members of the Council of Europe (CoE) agreed to sign the "Second Additional Protocol to the Convention on Cybercrime" on electronic evidence as of 12 May 2022.
- The protocol contains provision that allow law enforcement to ask for registration data

OECD

- The Organisation for Economic Cooperation and Development (OECD) has worked on a report on "Security of the Domain Name System (DNS): an introduction for policy makers", as well as on "Security of routing".
- Both documents will be published in September

Legislative Developments

Legislative Developments Overview: A Sample from Landscape

- Data protection is bigger than GDPR and not all legislation that we are tracking is about Data Protection
- Not all legislation has the same potential to impact ICANN Org.
  - Chinese Cybersecurity Law and Data Security Law (PIPL)
    - law addresses registrars ability to disclose non-public registration data - previously we issued a blog but because potentially raises a compliance issue there will be an advisory forthcoming
  - Russia Personal Data Law
    - currently being debated - but commentary accompanying the law introduces extraterritoriality of personal data law and has possibility of intervention of govt agency when citizens personal data is processed in foreign states territory
  - Some legislation that addresses incident response may impact operations of stakeholders in that region due to incident reporting timelines
    - India IT Act 2000 amendments
    - US Cyber Incident Notification Act

- In some cases the legislation rises to attention not because of purpose of the legislation but the implementation mechanism
  - Canadian discussion about On-Line Safety that potentially could use DNS blocking as a way to address harmful content

EU Updates: Digital Services Act & NIS2 Directive

DSA

- Approval process is concluding
- It will be expectedly voted in the relevant Parliament committee on 16 June
- To be approved in Plenary and at any Council formation in September
- Will likely be implemented by 2024 before the EU elections

NIS2

- While the overarching political agreement has been reached, technical meetings are still taking place
- It is expected to be voted in the relevant Parliament committee before the week of 11 July at the latest, or in September
- It is expected to be voted in Plenary and approved by Council in September
- After approval, EU MS will have 18 months to implement through national legislation.

EU Updates: Proposed Regulation on GIs for CI

General:
- The [proposed Regulation](#) provides for an EU Geographical Indication (GI) protection for Craft and Industrial (CI) Products
- The proposal complements existing EU protection system for GIs in the agricultural domain
- In particular, it establishes a system for registration of GIs for CIs and establishes the protection of GIs entered in the Union register of GIs for CIs

As it regards the DNS:
- It creates an information and alert system against the abusive use of CI GIs in the DNS for domain names registered under a ccTLD name, administered or managed by a registry established in the EU. ccTLD registries established in the Union will need to provide the EUIPO with information/data necessary to run this system.
- The protections foreseen by the proposed Regulations shall also apply to a domain name containing or consisting of the registered GI
- Information related to the advertising, promotion and sale of goods that contravenes the protection of GIs provided for in the proposed Regulation, should be considered illegal content within the meaning of Article 2(g) of the DSA (rec.52)

A similar [proposal for a Regulation to review the GIs system](#) for wine, spirit drinks and agricultural products has also been published

Provide feedback

Feedback on the proposal of industrial product GIs can be provided [here](#) by 13 July

Feedback on the proposal for agricultural products GIs can be provided [here](#) by 28 June

EU Updates: EU Toolbox against counterfeiting

- The objective of the toolbox is to clarify the roles and responsibilities of rights holders and intermediaries, with respect to mutual cooperation and data sharing, and enhance cooperation. Intermediaries would be social media platforms, the domain name ecosystem, payment services and transport/logistics industries.

- ICANN org submitted a paper in response to the EC's Call for Evidence for a "EU Toolbox Against Counterfeiting" on 6 April

- Commission adoption planned for Q4 2022

Community Engagement and Participation

What Can the Community Do?

- Monitor and follow deliberations on regulations/ legislation initiatives

  - Offer positions or statements to relevant entities
  - Provide feedback to ICANN and the community
  - Keep GAC members informed

- Offer expertise to national delegations at IGOs meetings (ITU, UN, etc.)

Questions and Discussion