ICANN79 | CF – GNSO: RySG GeoTLD Group Membership Work Session
Wednesday, March 6, 2024 – 4:15 to 5:30 SJU

SUE SCHULER: Hello and welcome to the meeting of the geoTLD Group Membership. My name is Sue, and I'm a participation manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. I will now hand the floor over to Ronald Schwärzler.

RONALD SCHWÄRZLER: Hello all. this is Ronald Schwärzler for the ExCom of the geoTLD group. Unfortunately, I'm the only one of the ExCom who is currently in San Juan at ICANN79. My fellow ExCom members are through online and I'm happy to have them here or on the remote side also. We will do this meeting as usual, divided between the three of us, have open discussions as we all used to do.

One very short reminder, we will have an informal dinner this evening at the Oceanfront restaurant, so whoever wants to join us, please. I've just learned that the sunset is 18.32, so we said we would meet there at 18.30. Be there a little bit earlier, unless you want to see, or if you want

to see the sun longer than two minutes. Nothing to do with the meeting, but meeting the guys of you afterwards would be very nice. So, to the session.

We have thought of two topics that are of relevancy for this year's activities for the geoTLD group. I just attended a meeting on this topic was the registration data policy that came out on the approximately 20th of February, which enables registries to demand. Forgive me if I'm not legally absolutely correct, but which enables registry to demand to be thick or thin or a hybrid model of them.

They are replacing the temporary specification where it was more or less up to the registrars to say or to decide whether they wanted to send data like registrant's addresses, et cetera. to a registry or not. This has now been agreed on between ICANN, registrars and registries, and it will have a real impact about, let's say, in the next 10 to 15, 18 months. Deciding which way, you want to go as a registry being thick again or stay as you are or even get to a completely thin registry, which is more or less also possible. So, let's do a deep dive into this topic.

Discuss with each other or among each other or start the discussion. We will continue in our meetings in Paris and our meeting in London later this year, and it will be an ongoing discussion with registry stakeholder group and registrar stakeholder group. Because we will have to have probably RRA amendments, technical clarifications, et cetera. And the second thing is NIS2 implementation certification requirements. Apart from this famous Article 28, we do not want to talk about this Article 28 this time, because it has been a topic for all over this week.

Who has or who must or who should verify data only once and at multiple times. I wanted to do a discussion about what else does NIS2 imply on us as registries being clearly identified as critical infrastructure providers, which means something. The next thing, what are other key challenges for geoTLD registries is more or less an open question. And then let's close with a summary and wrap up. And if we finish earlier, it will be even easier for us to get to the sunset. So, Nacho, Jose, any famous first words from your side?

NACHO AMADOZ: Yeah, thank you very much, Ronald. We approach the session and try to give a bit more context. We approach the session with the idea in our minds that we should, you know, keep working on what we've seen in the management plan of the geoTLD registries as challenges. And one specific topic came to us recently with the publication of the registration policy.

Ronald noted how relevant this was. This is relevant by itself. I think we all agree on that. And when you look at the kind of changes that it's going to represent, it's very important. For all of us. But it has also one component that is going to be also very, very, important to some of the discussions that we've been having recently, which is what is the quality of the data set that we receive from the registrars? And this is a very, very concrete and pragmatical question that affects our operations when we get the redacted for privacy data sets that we are all getting from certain registrars.

And we've been having discussions among ourselves, Soutine, Ronald, Josu, and I with the support from Veeam about how we as registry

operators, but also as a group have to approach this issue, the one where we don't get realistically trustworthy data from the registrars. In light of whatever you want to convey here, in light of the requirements for policy reasons to have that data, in light of whatever obligation, we may end up with verification procedures.

The question is that we lean to believe that most of the members of the group will want the registrant data to be trustworthy for different reasons. We can discuss them, see how they interplay with ICANN policy, with our own regulations, with our own terms and conditions, and with the requirements we may have from the local authorities where we may have some kind of connection or formal support for the operation of geoTLDs.

This is therefore one of the topics that is going to be more relevant for us. First of all, how to implement the registration data policy, what are the choices that we are going to make, but secondly, how we approach registrars to confront them with this issue that has been standing in CDPR about registries not getting correct datasets from the registrar. This is going to put us in a way that may represent some dialogue needed with the registrars to understand why we think this is something that they must do.

That data is safe because it's not being published massively. Minimization is an issue, but we don't think it interferes with what we think we need to obtain from the registrar. So, the position that we are kind of shaping is clear. We think that this is going to have a real impact on how we must approach registrars to stop sending us redacted registrar names and contact details. Now, this is something that I think

that we all kind of fall in the same line, but we wanted to hear from the rest of the members of the group and from anyone present in the as to why they think this is the case or this is not.

We thought about how we frame this issue, and I think that Ronald just said this is kind of a problem statement. We need to figure out where we are now. What does it say? How this interplay with what we think should be the correct position and then start working within the group as to where do we take it from here. I don't want to go on forever, so if anybody else wants to add to this position or to confront this position, please speak up.

DIRK KRISCHENOWSKI: Yeah. Hi, Dirk Krischenowski from .Berlin and .Hamburg, yeah. Nacho, you are touching a very important point with your statement, and I fully agree on it. I guess, and I have heard from registrars saying to me, okay, you are getting data, then it's fine. What is the problem we have as a registry? And the second one is, what do you want to do with the data? You are not allowed to use the data for marketing purposes or whatsoever, so what's the problem if we send you just redacted data?

LOUIS HOULE: I have a problem to talk. I decline to go with you today because I'm feeling really bad.

RONALD SCHWÄRZLER: Try to answer Dirk's question, because we had some discussion before. There are registries with a nexus requirement, for example, and

probably with some provisions to the government that they have to report how many percentages of the data come from which place of the region. So, there is, depending on the business model, probably a need to have at least a registrant data, not only the zip code, but probably also the street name or whatever.

The question is, should we, or a proposal or whatever I call it, do we as a geoTLD group think that we have similar problems or needs, so we could try to do it as a group to, let's say, develop an RRA, a standard RRA that is agreed with amongst us, and then send it as a standard one to ICANN, to the registrars, so that we do not have, let's say, 150 RRAs that are all kind of similar, which was, by the way, a discussion that was just happening between the registrars and registry stakeholder group an hour before.

Do as much as you can on an agreed way, on a wording that is agreed between registries, registrars, and do as little as possible with having self-formulated clauses and et cetera. So, do you think, members here present or remote, that we as a group could work on, let's say, RRA amendment process, including the DPA, the necessary DPA, because if you want to have the data, you must have a processor status in this DPA, no, sorry, a controller position in this kind of process of the registrar sending you data as a processor, you are the controller. Should we, not to be cited yet, should we plan to work on such a common understanding, common thing against or towards the registrars? Volker, I see you.

VOLKER GREIMANN: Well, I think we need to differentiate. There are TLDs with nexus requirements, there are TLDs without nexus requirements, even in the geoTLD space. So, having something that is one size fits all is probably very difficult. When I look at this from a registrar perspective, different hat, then what I would prefer is as little deviation between registries as possible. So, if most registries could agree to one or two models that they would follow and then allow us to implement those two models, that's a lot better than having to follow one different model for every registry that's out there. When I look at this from a registry perspective, even with the nexus requirement, there's also two ways of approaching this nexus requirement.

The one is to enforce it yourself, and the other is to trust your registrars and let them enforce it. So, for example, if you say you only allow registrations from a certain area that the registrant has to be in, then you can't say, well, give us the data, we'll check it, or you can tell the registrar, you have to enforce that. And if you don't enforce that, then that's a strike against you. So, even though you don't have the data, you would still be able to check those details in the registration data that the registrar puts up in RDAP, but it would be harder for you to enforce, of course. It's quite a question of trust and also of your ability and your contracts with your local authority, of course. Our geoTLDs don't have that issue.

RONALD SCHWARZLER: There is Nacho in the queue and then Dirk.

SUE SCHULER: Josu was first in the queue. If you guys could get in the Zoom room so we can actually form a queue and raise your hands there, that would be really helpful. Thanks.

JOSU: Okay. Thank you. Thank you, Sue. Ronald, you're jumping me. Thank you. I was just going, Ronald already answered the question from Dirk, but in case of registrars, as we are a community TLD, in our case, the next requirement, it's very important. We need to identify the registrants. We need the registrant data to identify if they are part of our community or not. We can look at it. In our case, for example, it's mandatory to have some intended use information, but the intended also, in many cases, it's coming already automatically filled by the registrars. You have some website or web use, nothing else.

If the information, if the registrant information is redacted, the intended use is practically redacted because it's automatically filled. We don't have any information to reach the next requirement to see this domain registration fills the community requirements. At the same time, in any case, when we're trying for the DNS abuse cases as well, the first thing you look at is the registrant data to see there any identity fraud, any kind of misuse of the domain. Of course, we can go to a registrar and in many cases, we need to do that, but you are losing time when you are fighting DNS abuse as well. I think that having the proper WHOIS data, it's important for any registry. We need that information and it's helpful to manage properly our zone. That's the case. So, that's all. Thank you.

RONALD SCHWARZLER: Nacho, you're next.

NACHO AMADOZ: Thank you, Ronald. This is Nacho. I think we have discussed this so much among ourselves that I don't know if I'm going to be able to say anything from a different perspective, but I understand that uniformity can play a role here, but it could also be said in the other sense. I mean, registrars would also be uniform in our treatment or in the treatment that they dispense to the registries and to us. But that's why we are kind of trying to discuss this in this context. Should we find some common position? Is there a room for a common position among geo's specifically so that we don't deviate from this?

I think that the main point for this objective that we have been formulating and we meaning Ronald, Josu and I to bring the discussion to the table for all of us members of the group or interested parties in our discussions to go through is whether if it makes sense for us to drive this effort to and from a concrete position. That is, when we have an access requirement or some policy requirements or some connection with local authorities, are we going to have grounds and legal basis to stop registrars from just giving us redacted data? But we think we are in that position.

The policy requirements affect the use of the domain name and not the name of the registrar. That is something that we also have been giving some thought that is true. But we are not going to be contacting, or at least I'm talking for .cat here, but also for many others that share a common position. We are not contacting the registrar for marketing purposes, but we are contacting registrars in potential breach for policy

considerations. In that case, a direct contact is in order. But we don't have to go through an intermediary, putting that intermediary in a position in the middle of the registrar and the registry for policy reasons or anything else.

That is how it works and it's how it has to be. But for policy reasons, we have a room there where we think that this is still. As I said, I think that we are maybe running the danger of repeating the same things with different words. So, I'm going to shut up and give more space for others.

RONALD SCHWARZLER: Thanks, Nacho. Louis, you're next.

LOUISE HOULE: Yeah, thank you. Well, usually it's Norman that's taking care of that business and maybe would have some more details to offer to you. But from my perspective, you were talking about enforcing or encouraging. I think that encouraging would be a better advice than forcing because I don't see the big hammer that we have to enforce a policy, taking into consideration the fact that after all, we need consistency, we need uniformity, we need to be able to have information that would be reliable.

Yeah, and the other point that I can see of the comments that I received from Norman is that there's kind of an independence of the registrar. They kind of send, as I think you mentioned, they send what they want to send and they're trying to do the minimum so that it's going to be quickly made. And well, this is, I think, penalizing a little bit the registry

because it means that if you have to run, just to be more pertinent here, Norman is calling registrars to have some accurate information because it's not there. But they're good guys. So, it's kind of a one-on-one discussion and he finishes by obtaining what he wants, but it takes a while. It takes this, it takes that. So, it's burning money. This is what I'm saying. That's all what I can talk about. Otherwise, I will just save my voice.

RONALD SCHWARZLER: Thanks, Louis. For the clarification, from my point of view, the registrars do not send what they want. According to GDPR, they minimize the data sets, et cetera. But the new agreed on consensus policy is pretty clear. If there is a legal basis and if we have a DPA between the registry and the registrars established, and so both must be the case, they must send the data. So, the question is, is there a legal basis per TLD that they have to send? And every registry for its own has to decide, be clear with the local legal things. Yes, we have a legal basis.

We have to have this data. We will set a DPA in place, and then the registrars must send. Let's hope the registrars will accept the legal basis that we say we have. I'm afraid that the registrars will start, oh, I don't think this is a good legal basis. So, let's court this site. And this is why I proposed if we have many geoTLDs that think they have a good legal basis, NIS2, answering within 72 hours to a request for data, et cetera.

If you have a registrar in between, the 72 hours could have gone before you even get an answer from the registrar. So, this could be, probably, I'm not a lawyer, reason enough to say, I must have the data to fulfill my legal duties. And if we all feel, or many of us feel the same, then we

could start working on a, let's say, argumentation on a unique or on an agreed on DPA that we as any registry individual but agreed wording, et cetera, send to the registrars and say, hey, registrars, this is agreed amongst – you will get, as Volker said, one set of DPA coming from the geos or two different. And it would minimize work for the registrars and it would minimize, hopefully, legal cases.

RONALD SCHWARZLER: Dirk, you're next.

DIRK KRISCHENOWSKI: Yeah, Dirk Krischenowski, .Berlin. So, we have talked to our legal departments of larger registrars like IONOS and they say there is no legal basis on which we can send data to you. It is a contractual obligation by ICANN that we should data, but this is not legal basis in your country to do that. So, the big registrars, and I have asked others as well, the legal department says, no, there's no legal basis why we should send, so we don't send, we just send you redacted data and that's fulfilling the ICANN obligations there. But today in the morning there might be a solution because ICANN is going to issue two DPAs, data processing agreements with registrars and a different one with registrars, that was a morning session.

And these DPAs, I asked about if we can use these DPAs or parts of the DPAs for our contract with the registrars, we as registries, and Catherine said, yeah, why not, that's a good idea, if you add this as amendment to your existing registry, registrar agreement, that could work out. So, that might be a solution, which is supported by the DPAs, which are now

in the final stage, we go to public comment and then they are free to use it. Yeah, that might be a solution where all registrars, all our registrars might have then a good reason to send us again all the data they would need to send us.

RONALD SCHWARZLER: Thanks, Dirk. And now speaking in a capacity of being CEO of geoTLD. Wien, we argued that we have to fulfill our contract with ICANN, that's why we need a full dataset, that's no longer an argument, because I talked to Andy and she made me aware of this, because now with the new data consensus policy, you don't have to be a thick registry and you can yourself decide if you want to be, or if you have to be a thick registry if there is a legal basis. As we see, NIS2 probably is changing the legal basis and probably is changing the opinion the large German IONOS and other registrars because of the timing constraints, because of whatever.

So, GDPR-wise, you're absolutely correct and they won every case or any argumentation I can remember. Otherwise, they would not be able to send redacted data if it was not correct according to GDPR. But the landscape is changing and if you want to be thick, you have to find a legal basis that registrars will accept. Otherwise, you have legal cases again. But this is exactly what I wanted to have. Dirk, what you said, if we have an agreed wording, we can put into the DPA and it's not a thing that Louis himself or Lucky himself or I myself have to develop and Volker will not be happy with. If there is an agreed-on text that forces registrars to send data, this will be the perfect solution. Rubens?

RUBENS KUHL: Rubens Kuhl, QNIC.PR. Just to comment something that I heard on the exact last meeting, that even the Google registry is going to pick minimal dataset for all its TLDs, they will still want a DPA with all their registrars. So, in that agreement, there are provisions for the registrars to keep the data and supply if needed. So, even in a minimal dataset, there are more than one flavor of operation.

RONALD SCHWÄRZLER: Any other comments on this? So, I think this will be a very intense discussion during the next months. I've just learned in a previous meeting that Rubens mentioned, that there will be much time dedicated during the summit in Paris to this topic, to find common understanding between registries, registrars, minimum dataset, mixed dataset, full dataset, being on a minimum dataset, but ensuring in case you need the data that the data is delivered immediately without any delay or something like this. But the general feeling is each registry first has to decide for itself, do you want to be fixed in or do you want to be a mixture of? And then from there, find the correct formulations in the DPAs that the registrars accept and send data to you. Dirk, please.

DIRK KRISCHENOWSKI: Another observation regarding a thick registry or thick WHOIS, I had some discussion with Verisign and they said, okay, one possibility is you could be a thick registry having all the data from all the registrars, the real registrant and maybe even the minimum dataset from the registrars, or you are a thick registry in that sense that you are publishing the thick data that is the minimum set with registration date and the registrar and the abuse one is a small set which has no

information about any personal data or any owner data, and that could be a solution to be having just a thick WHOIS, that is important for others who want to know where the name is located and could write to the registrar, please send me the data.

The thin WHOIS? No, thick who is. Yeah, thick who is would mean in this case you publish just the minimum, not that minimum data was from the registrant, but the minimum data we are publishing at the moment in the WHOIS of gTLDs.

RONALD SCHWÄRZLER: Thin, this is thin.

DIRK KRISCHENOWSKI: Yeah, it would be thin, but it's thick in that sense that we have all the data to publish. We can publish all data.

RONALD SCHWÄRZLER: I think I had this discussion too. As a registry, you are thick, you have all the data, but you're not allowed due to GTPR to publish the data. So, the who is output would be thin. You would only display the domain name, the name server, the registrar, but for escrow purposes and for whatever else, internal things, you would have the data, you would have to have the thick data. So, this is what I've-

LOUIS HOULE: This is why it says thick and thin at the same time.

RUBENS KUHL: You can add some adjectives like lean thick and fat thick.

RONALD SCHWÄRZLER: Okay. This will for sure take some discussions, take some time during the next months. And I've also just read a comment from Ben Jamaa. We must be aware that whatever we do now might affect the next round and the RRAs between registries and registrars too. So, as a gTLD group, we should be aware that there is a next generation coming in and we should make it as easy as possible for the upcoming ones. So, let's start this discussion here, continue it at the latest in Paris, have it discussed again in London where our membership meeting and so on and so on. Dirk, please.

DIRK KRISCHENOWSKI: Dirk Krischenowski, Dr. Lin again. I've lost the- -So, please.

SUE SCHULER: Okay. Then so please. Also based on what just happened in the last meeting, the CPH is going to be putting together a mailing list to be working on this and work is going to begin before the Paris meeting. So, if you guys, it appears that you're very interested in this topic, you might want to have somebody from the geoTLD group join that as a representative so that you can kind of follow along with that conversation.

RONALD SCHWÄRZLER: Thanks. Dirk has got his memory back.

DIRK KRISCHENOWSKI: I got my memory back. But one learning from the last round and all our geoTLDs is, so if you have Nexus requirements, it really limits the possibility to enlarge your registrar basis. So, for instance, the thing was WordPress and other website builder, they rarely list one of our geoTLDs because of the registry, the Nexus requirements. And so, for the next round, it would be really good if there are not as many geoTLDs that have Nexus requirements. We would need to explain this to the governments or the local governments in the region or something thing like this, that you are really limiting your target group by these things. And WordPress is so powerful. They have so many websites and it would be a pity if it's not listed there.

RONALD SCHWÄRZLER: Okay. Any other thoughts on this topic? In interest of time, we have spent much more than 25 minutes so far, but I think the discussion is worth it. So, let's go to the next topic that we have identified as being important for us as, let's say, not the registries, but as enterprises, and as to implementation. And I can just give you what my legal department confronted me with. The NIS2 sees a registry, sees punkt.wien.gmbh as being part of the critical infrastructure. So, as if I were an electricity company, a bank, a water supplying company, and you have to suffer the same limitations than these kind of companies, large companies, super large companies compared to our-some person companies have.

We have the same obligations. This means we are, or especially ISEO, I'm no longer able to say we are somehow, we have a safe environment. Nobody can come into my office unless he has a token or he rings the bell. And I have checked it, it works. Now we will be subject to external audits. There will be officially or unofficially trying to come into your office. They might announce that, but they might just stand in front of your door and suddenly stand at your table and say, hey, I managed to get into an office of an enterprise that is considered the critical part of the infrastructure without anyone hindering me.

And this could cause problems to my company. It's nothing to do with the registry operated business. Yeah. The firewall that we, or our technical department operates for us is subject to external audits. They might show up. Okay. With the firewall, they would say in two weeks, we will be coming to inspect your firewall. And it's not looking at the metal box. It's about, give me your firewall rules.

Who implemented that rule? Who else is knowledgeable? What did firewall rule is doing? When did you test this last time? Is it working? And so on and so on. And by the way, all these kinds of NIS2 implementations are under, not say control, but the CEO has to take care of that. It's the duty of the Z level of a company to make sure that all this, I don't have to write the firewall rules myself, but it's not enough to say I have a technician who wrote that firewall rules and it's out of my scope.

You will be made reliable for the things that happen in a company with a status of being critical infrastructure. You have to make sure by hiring external consultants that check the implementation of what your

technician did, et cetera, et cetera. A rough estimation that I did with my controlling staff is at about 200, 300,000 euros will be the additional cost of getting into a state where we are NIS2 compliant. 27.01 certification. Nothing to do with the business of a registry operator, of a registrar or something, but just for the formal things of being a company of critical infrastructure. I don't know whether my legal department is too shy or super careful, but this is what they told me.

The first question they asked me, how can we get rid of you within our office building? Because we as a whole company don't want to be treated as critical infrastructure just because your little company is sitting in our rooms. I don't know whether this affects many of you, but at some point, if you are in a building served by your mother company doing the IT services for you or something like this, you being critical infrastructure, this service provider is lifted up to be also critical because he provides critical services to you.

I don't know whether it's the same or if my legal department is right, but they say they are right. We have good reason to believe because the Chamber of Commerce of Austria did a presentation in our office to our clients. These were very clear messages. Your honeymoon is over. It's now your daily life that you have to act like not a startup or a cool company. You're held reliable for anything that you do and you have to be whatever certification it needs that you can show that you've done your homework. Do you have similar, Rubens, please?

RUBENS KUHL: Most of what constitutes a critical function in the registry usually stays within the registry service provider, but there is one backdoor that

might put your corporate office into that infrastructure is whether you have a VPN within that office and the data center, or if there is anything in the registry system that only allows, let's say, certain IP addresses which happens to be at your corporate office. So, probably removing those two things would solve your problems.

RONALD SCHWÄRZLER: Thanks, Rubens. I'm not talking about my problems, but you're absolutely right. My mother company has, I don't know, 400, 500, operates a cloud service for themselves, and one very small part of this cloud service, there are our virtual machines running on. So, you're absolutely correct. We have VPN connections and the virtual machines are running in the mixed environment. It's protected by extra IP addresses space, but it's the same machine and it's the same person who leads the IT of the mother company. So, there's an intermixture of the registry operator and the supplying company leveling them up to be critical infrastructure also. Not being critical infrastructure, but being treated as critical infrastructure. Nacho, you're next.

NACHO AMADOZ: Yeah, thank you, Ronald. Nacho Amadoz. An additional concern that I have when we approach this is the uncertainty, at least in our case, about what the national requirements are going to be. We don't know what is it going to be needed from us to be regarded as an IS2 approved. We tried to engage our national regulator and thanks to the representatives of the Spanish government at the GAC, we found a way to the actual body in charge of the transposition. We tried to engage in a conversation with them during the meeting in Hamburg, actually.

So, that was October. October 23, to see if we could give them our feedback and if we could get some feedback about timelines, language on the transposition. We haven't got a clue as of today. So, we don't know. We have a national security scheme. This is my assumption. It looks like this is going to be the kind of certification procedure that you need to be adapted to in order to be in the safe side. But we don't know. What about the others? Do you have a clear idea of what is going to be required of you?

DIRK KRISCHENOWSKI: To Nacho, I think it's clearly defined in Article 21. There's a business continuity plan, cyber security plan, eight or ten points. You need to follow just this to writing this and exactly saying what you are doing and when and how and whatsoever. I think this is the main task. It's not Article 28, which makes a headache, but Article 21. So many things to write down there. So, I heard if you are certificated by ISO or another standard, you might have done already a lot of work. But for those who don't have this ISO standard certificate or another security certificate from your country or government, then you need to do a lot of things.

RONALD SCHWÄRZLER: Dirk, you're absolutely right. Article 21 specifies all these processes. What time will you need to go back to business? And after having played back the backups, how will you cope with the difference between what's on the DNS in the zone and the files or some entries that you have missed, et cetera., et cetera. It's about access to a building and whatever you have to specify there. These specifications must be printed out, must be stored in a safe place. There are relevant people

that you must name, must know where to find the printed-out versions, because if you have an incident of being, for example, encrypted data, it's no use having it on word files.

So, this is really a need to have this printed on paper. And then external auditors will come to see where these files are placed. It's a lot of time-consuming work and keep it up to date. You have to name the responsible person for keeping that documentation up to date. Larger entities like, for example, NIC. at, they have done these 27-001 certifications. I'm sure AFNIC has done these years before. And in our case, our data center provider is 27-001 certified, which covers, let's say, 80% of the needs that we must face. But access to our office, encryption of the hard disks of the laptops, you have to specify that, you have to have someone approve it. It's not rocket science, and the best thing is to hire a consultant who leads you through this thing. It's up to four to five months until you have this. The NIS2 gets into operation at about 15th of October.

So, if you count back five months, it's May, beginning of May, April. We are in the middle of March. So, there is not much time left to, if you have not already done, start thinking about getting this formal and word-by-word paperwork done. I did not believe it when I heard you have to put all these measures on paper and put it somewhere in a rack, a fire-secure rack. I don't know whether I have a fire-secure rack in my office. I'm absolutely sure I don't have. There will be some, how it's called, some fire-resistant thing somewhere in the office.

I don't know where this is. Who has the key to it in case that we need it? Is it the owner of the company? Is it the secretary? Or where is this kind

of thing? You have to specify and have to have external audits certifying that you've done your homework. By the way, they have to certify many companies in Austria, some hundred. So, don't expect just to call them and say, yeah, I will come to you next week. If they are at the earliest, mid of September, then it will be very, very late. I don't expect to be the first NIS victim in Austria.

I hope that there will be better targets for the DP, data processing, whatever it is, police, to get other victims or other companies checked first and not my companies. But I want to be ready by the mid of October, having done my homework, and I wanted to make you aware that there might be, at least if you are situated in the European Union, there might be homework to do. And by the way, it's a good thing to be on the safe and secure side, even if you're not in the European Union.

LOUIS HOULE: I was wondering how countries were managing that issue right now. Really, I would like to hear a little bit more about how you're managing that situation, that new challenge that we have.

RONALD SCHWÄRZLER: So, this is not part of country. This is a European directive. Every country has to follow.

LOUIS HOULE: I wanted to be creative here.

DIRK KRISCHENOWSKI: As CEO of your company, it's the same situation for me. I hope that all the ICANN sessions, by the way, are seen as education of the CEO. As a CEO, you need to show that you have been educated by relevant consultants or whatever experts about NIS2. And I hope to note every session we had here at ICANN, and then I can show it to the authorities. Oh, yeah, okay, that's fine.

RONALD SCHWÄRZLER: That's why we have Volker here, to testify that we have a high level of education. Any other input, thoughts on this? Please remember, October 24 is approaching fast. Just to give you an idea of how crazy this situation can be. I'm not doing a joke now. Last week, there was a domain pulse in Vienna, and I was able to talk with the one person who is responsible for writing the legal text for the Austrian local version of the NIS2 directive. And I asked him, how about Article 28? Article 28, I've copied word by word.

There are many other things that concern me much more, like Article 21 and whatever. And it's that time consuming that I did not focus on Article 28. So, we might not get any clarification about that, what us as a business concerns us most, how do we have to ensure exact data of registrants, et cetera. No, the Austrian government is not dealing with that.

They just copy and paste the U-text into their local version of the directive. Then say, yeah, what especially are you doing? Say, yeah, suppose you have photovoltaics on your rooftop, then you're an electricity provider. And let's suppose 10 or 20 of the houses in your neighborhood come together as an energy consortium, reaching some

critical level of producing power, some kilowatt hours or something. Then you might be subject to NIS2, because you are part of the electricity producing system in Austria. And if we follow that path, it could happen that I have to certify my wife with 27-001, because she's having access to our photovoltaics plant on the roof.

So, the last sentence was kind of, try for a joke. But a government even thinking of a private photovoltaics producing seven-kilowatt hours peak, being part of the critical infrastructure, to me, it seems as if they are focusing on the wrong topics. I know that there is a strategy to have many private households producing a large portion of the needed electricity, but somehow bringing them into connection to NIS2, at least to me, it sounds weird. Any other thoughts on that? Or on this topic? So, roundtable. Other key challenges?

LOUIS HOULE: Sorry, just a word on NIS2. I'm far from that reality, but from the little knowledge that I have, I feel like there's going to be some room for interpretation. And it's going to create some confusion in the interpretation of the examples that you were mentioning. So, I just stay on that kind of feeling that it'll be challenged, and there's going to be a lot of paperwork that's going to be done to probably solidify the whole application of NIS2. Maybe I'm wrong. I know politicians, when they have something, it's a nice stick to have.

RONALD SCHWÄRZLER: Okay. Any other topics from here, or from remote participants that might need our attention during this year? And if I say our, the GEO-TLD

groups, other than Lucky's AU. Africa case we are already aware of. Any other thoughts, topics, inputs? Lucky, please.

LUCKY MASILELA: Lucky Masilela for the record. I have a new one now. I believe this will impact quite a lot of us into the future. We ran a campaign and we had beautiful results. The campaign was structured such that the names were given for free and with the anticipation that renewals will then be paid for. Now, on the other hand, ICANN has a timer. They are looking at the number of names that you would have transacted or sold. When the numbers went to 120,000, ICANN was excited and they were preparing an invoice for us. The names then dropped back to 49,000 and ICANN is still carrying an invoice and slamming this invoice. I think from our side, we found this a bit punitive.

It takes away this need to grow the namespace continuously. I would rather see this ticker tape that they have only trigger when there are renewals, not in the first year of the names. That really doesn't record any true growth. We know domain names by their nature. They move back and forth. You could have 49,000, you could have 51,000, or back to 49,000. Do you have now to be punished for crossing that 50,000 line continuously? Instead of when you've crossed that 51,000 consistently for an x period, then the invoice should be prepared and sent to you. It almost kills this need to run campaigns and try to grow the domain namespace. We are paying fees to ICANN annually or quarterly, et cetera, and still we are being slammed with this, which I feel in my view is highly punitive. It makes one not want to venture in any growth plans.

RONALD SCHWÄRZLER: Thanks, Lucky. I know that we are paying fee per transaction, whether it's a create, whether it's a renew, whether it's a-- No, not a delete. Dirk, you had the same experience with .berlin in year two or something. You grew by 100,000. You had to pay the fees too, right? It's a per transaction fee. I'm with you. I don't know how to solve that, because you could do a year-by-year promotion and always say it's not a renewal, it's just a create. How would you prove that? It's a per transaction fee, but how could we cope with that as a group? What would you expect or wish from the ICANN?

LUCKY MASILELA: I think for us, the way we view it and our thinking is that, the first year should be allowed and only on the renewal. Then this is only when those transaction costs can be affected. But the first-year transactions have no significance, especially if it's just a campaign that has made those names available for next to nothing, from the registry point of view. The registrar could sell it for two or three or five dollars onwards, but from the registry point of view, when you are making it available for nothing, that is pretty much punitive in my view.

Well, if Dirk, you paid for it a few years ago, I think we need to rethink some of the things. It shouldn't be that there is a precedence that has been set and that precedent makes it correct for something to continue into the future. It has to be something that needs to be corrected, made to be more functional and practical.

RONALD SCHWÄRZLER: Rubens?

RUBENS KUHL: ICANN is currently sponsoring a security study called Informal, looking at the relation between pricing and abuse levels. So, I wouldn't expect them to go with your idea of offering low price registrations, because they are actually thinking in the opposite of saying to registries, please don't do that, because it triggers abuse levels. And I was part of one of the negotiating teams within the registry stakeholder group in ICANN, in one of the contract negotiations, and they opened zero possibility of changing anything in the fee structure. Even things that we make would make things simpler for ICANN, they were not open to it. So, on two levels, one, they don't seem to be open to it. And two, they're probably going the opposite direction that you are mentioning.

RONALD SCHWÄRZLER: Yeah, it's their only source of income, the transaction fee. Yeah. So, first Nacho, then Volker.

NACHO AMANDOZ: Yeah. Thank you, Ronald. This is Nacho. This is not a challenge, but this is something that the geoTLD group is invested in, that I think that is good for us to discuss here, at least to keep on talking, and that is the grant program. We are participating in an initiative that Sue is managing, and that is being presented by the registry stakeholder group with the cooperation of the grant registry group and the geoTLD group to present an initiative for the grant program, so that we get funding to create educational materials for applicants for the next round.

And that is something that, as I said, it's not something that we can compare to what the registration data policy or NIS2 means for us, or operations, but it involves us, and it's going to be an ongoing operation if we finally secure this funding, where we create these materials and do some outreach for potential new geoTLDs for the next round. And I think that it would be worth just mentioning this. We are working on that, and we will be giving more information as soon as we go deeper.

RONALD SCHWÄRZLER: Volker, please.

VOLKER GREIMANN: Yes, two points to that. I mean, ultimately, once you look beyond the minimum guarantee that we have to pay ICANN, basically the minimum fee. ICANN's business model or financial model is built on the idea that the more successful the TLD is, the more of a contribution they're supposed to provide to ICANN. And if we try to modify that in any way, then we can probably assume that some of the larger registries out there would also like to follow that model.

So, if Verisign were then to be able to claim, well, we're offering it to them, why don't we get a free rebate on the first year of registration, then probably the ICANN business model would crumble or renewals would have to be a lot more expensive. But that aside, from our experience, free or very cheap domain names attract two kinds of customers. A, those that want to register masses of domain name for abuse. We've seen TLDs that had promotions where they were absolutely eating the ICANN fees as a loss to generate new registrations

to see how they could boost their bottom line. And in the end, it led to hundreds of thousands of domains that were being used for abuse. That's not something that we want on our platform.

Cheap domains make low quality domains. If you want to build a business, if you want to build a presence on the domain name, then the price is usually not that much of an issue. The other kind of customer that you get, and I think, Dirk, you can attest to that, are domainers who are trying to see which one of these domains generate an income. So, you have domainers that register hundreds of thousands of domains for the sole purpose of testing the traffic on that domain for a domain name. So, we basically extend the domain tasting into one year, where it used to be only the five days of the ad grace period. And after that year, every domain name that is not making its registration fee is dropped.

So, you will see a graph like this that is ultimately not benefiting you either. But it also has a negative effect for you, because while those domains are registered and look nice on the balance sheet, those are very low-quality content domains. So, everybody who wants a good domain name will see that those domain names are not able to be registered for a year. They're gone. They're off the market. And anyone who would like to register them at that time can't and might not try again after a year when the domains drop again.

So, from my perspective as a registry operator, any domain name that is not registered by a domainer and put up with a very cheap parking website is better than a domain name that is not registered, because

that domain name that is not registered could be registered by someone who wants it and wants to build a presence.

And ultimately, use of domain names is what boosts our bottom line. Domain names that are being seen in the wild, that are being used in advertisements, as actual websites for local businesses, those are the ones that actually promote our business even more than we can promote it ourselves. So, if we can generate more registrations that are being used, then we win. And those that are willing to put up a budget to put a website on a domain also have no problem financing the first year of the registration.

NACHO AMADOZ: Do you guys hear us? I think we cannot hear the room.

RONALD SCHWÄRZLER: Yeah, Mic is working now. Mine wasn't working. So, I was just giving the summary and wrap up. I told you that Lark is even wiser now, that he has made a bad experience with his promotion and Rubens told us that there is no way of negotiating fees with ICANN, which should not encourage us, not discourage us in discussing any topic that we find of relevance within our group and, if appropriate, move it on to ICANN or to other stakeholders, other groups, et cetera. Nacho, do you want to wrap up or say hello or something like this?

NACHO AMADOZ: I think that, as usual, we have run out of time with a lot of things to say still, but it was a good discussion, especially about these two main

topics that we have identified, and I think that we are going to keep working on them and keep getting back to the members for their feedback and with any information that we gather. Back to you for closure, Ronald.

SUE SCHULER: Is this one working? Yes. Here.

RONALD SCHWÄRZLER: Yes, this is working now. So, with this, this session comes to an end. Thanks, Nacho and Josu and all the other remote participants for joining us here in San Juan, and for those present, see you at the sunset, and for those not coming in the evening, see you at the latest in Paris and in our calls that we offer to our members of the geoTLD group. Thank you and bye.

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