ICANN81 | AGM – GNSO: RySG GeoTLD Group Membership Working Session
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DEVAN REED: Thank you. Hello and welcome to the RySG GeoTLD Group Membership Working Session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. 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. Go ahead.

NACHO AMADOZ: Thank you very much, Devan. This is Nacho Amadoz, Chair of the GeoTLD group, and welcome to our membership working group session. We're sorry to give our backs to you. This is the position of the room. We have a main point in the agenda, which is NIS2 and the efforts that the group has been undergoing through to provide some working materials to the members so that at least we make it a bit easier to deal with registrars at the ICANN level when we get to that point.

For that, as you may be aware, we enlisted the assistance of Thomas Rickert, which is an expert on the topic, a longstanding member of the community that has good relationships with registrars, very, very good knowledge of the topic, and he's been providing both at the ExCom

level and at the group members level information about what he was doing. He will be joining us shortly. If he hasn't already, he hasn't, because he will tell us about the evolution of the work. But seeing that he's not here yet, we can begin, at least when we, as ExCom discussed, how should we make it worthy of our members' time and of any observer that joins us.

We should be starting with how we are seeing the evolution of the topic. And for that, we are happy to have your views on that. This is Mr. Rickert joining us just in time. We're just making the introduction, Thomas, so no worries, no worries. Just for you to know, we were briefing the group on where we were and the efforts that you have been assisting us with.

The idea of the session, as a working session, is to discuss this point, to have your feedback and your take on the evolution of the issue, and then open up the floor for a discussion that could reflect on whatever you have to say to the group, but also on what is the current status that you are seeing at your jurisdiction or at your organization, or how it is affecting you, or how you anticipate that it will be affecting you at any level that you want to discuss. Okay, so with that, and having Thomas in the room, and being thankful for you to make some room in your agenda for being with us, I hand the work to him. Thank you.

THOMAS RICKERT: Thanks so much, Nacho. And hello, everybody. Rest assured that I'm not late, because I didn't want to be in time, but I just had a meeting with the chairs of the NIS Cooperation Group and the European Commission. So, I thought that they were very generous with their time.

So, we had a meeting with them for like a half an hour, as a follow-up to other meetings that we had during previous ICANN meetings. And I think I can report what the results of these discussions were, like fresh from the oven.

Maybe to fill everybody in, also those that have not been part of the discussions that we had on how to make NIS2 or Article 28 specifically work for geoTLDs, I have produced a template for geoTLDs that could be used as an exhibit to the Registry-Registrar Agreement, because I think, as many of our friends in this community think, that it would be good to take an as-templated approach as possible when it comes to arranging the schedule of responsibilities between the various players.

Now, you might remember that NIS2 addresses TLD name registries, as it said, and also entities offering domain name registration services. Those would be registrars, resellers, and Privacy and Proxy Service providers. So, the challenge is, how do we make them speak to each other and come up with a robust way of interacting with each other?

Now, I should say that I've heard from registry operators from the gTLD world who said that they got legal advice saying that NIS2 or Article 28 is only applicable to ccTLDs. And that's not my response, but I asked for confirmation by Finn, and Finn said, tell those registries they should get a proper lawyer and I will give them your phone number. So, that was very kind of him. So, gTLDs are not off the hook. And just to refresh your memory, we have a couple of tasks in Article 28 that's maintaining a database of accurate registration data, the publication of associated policies for verification and validation of that data. So, you must make

public how you do that. Then you have the publication of non-personal registration data.

You have the requirement to disclose data to legitimate access seekers and to develop and publish the associated policies on how you deal with disclosure requests. And the way Article 1, Subsection 1 to Subsection 5 of Article 28 read, it reads like everything has to do this. Because it just says gTLD name registries and entities offering domain name registration services must. And then in Subsection 6 of this Article 28, it says that member states should require these parties to cooperate with each other to avoid the duplication of collection of registration data. And here is the issue. Some read that to say that only the collection from the registrant shall not be duplicated.

That would mean that still you need to have one database with the registry, one with the registrar, one with the reseller or multiple resellers if you have these longer chains and the Privacy and Proxy Service provider. That everyone needs to do verification validation, that everyone needs to publish, which is sort of crazy in RDAP times, that everyone needs to respond to disclosure requests. Now, can that be? The draft transposition in Germany explicitly states and clarifies that none of the tasks in Article 28 shall be duplicated, especially the collection from the data subject.

And that's the way that I've read and interpreted this all the way through because NIS in its recital says that the principle of data minimization should be honored in a couple of other data points. But other national transpositions are silent on that point, which is why

some players think they are required to also maintain that database. And others, such as Ronald, for example, he got word from his local law enforcement who said that they are not going to go shopping with registrars for registration data, but they will always knock at his door.

So, Ronald has an interest of at least getting a copy of that data, but leave the rest of the tasks for the registrar. And I've mentioned to the Commission and to the NIS Cooperation Group that I'm working on a templated approach whereby we have boilerplate language, such as the one that I've suggested to you guys, maybe with even a little bit more variation in it, like a restaurant menu, to say you're in the EU, you're not in the EU, I would like a copy of that data, I want to go to the minimum data set, so I don't want a copy of that data. Describing how you deal with data disclosure requests whether the registrar is solely responsible for that, or in Ronald's case, the registry can also process disclosure requests. And the Commission and the Cooperation Group said that's progress, that's a great idea.

And I also said that this shall lay out who does what, who shall maintain the database. Who shall do the verification and verification? And they also said yes to that. I mean, that's certainly not a written decision or something, but I think that it gives me some confidence that the way we are approaching this, by not only avoiding the duplication of collection, that we're on the right path in thinking about ways to very smartly share the burden amongst the various players to avoid the duplication of any of these tasks. So, I think that's good news.

I will speak about the way we can make progress on this in a moment. I should also share some disappointing news with you, because you will all have read the recommendations from the Cooperation Group. These are, as you know, non-binding, but all member states, except for two, I should say, have not yet finalized their laws. And if the national lawmakers choose to take on board the recommendations, then they mean what they said, i.e., they are breaking the gTLD domain name life cycle. They have confirmed to us in this discussion right now, they don't want any domain names to be delegated to the zone before the registration data is validated. Although, the recitals say ex post or ex ante.

So, you can do it after the fact or before. And it also says at least one data element, which suggests that it's okay to, let's say, just do the email, but they want email plus phone number to be validated. We had, through ECHO, I mean, you've asked me as a lawyer to provide a template for you. As you know, I'm doing a lot of work with the ECHO Association, where we're trying to do something for the greater good of the entire industry. And we've provided a written response to the recommendations to the Cooperation Group to make them aware of the challenges that go along with what they've suggested, but they stick to it. So, it's going to be interesting to see how the national lawmakers are going to deal with that.

I have to say that I'm a little bit surprised to see basically none of the draft transpositions that we see taking on board all these recommendations, although the Cooperation Group consists of members of the member states, because they knew what they would

come up with before the document was published. So, you would have expected that they would say, yes, that's what we're going for. We want exactly that to be done, and we'll put it into the law. But that's obviously not the case.

And again, for those who think that what we have as a requirement in the RIA 2013, let's say validating an email address in the first couple of weeks, they explicitly said that they don't think that's sufficient. So, we need to go above and beyond. And when I said that NIS2 allows for a risk-based approach, which is why you start with the way RIA 2013 suggests, and if you have suspicious domain names some registries are working with a score-based system where they identify strings that are prone to being abused, and they don't delegate those. So, I said that in my view, that would be sufficient, but they want everything to be validated and verified. But that's not for now. We need to monitor how the national transpositions are going to progress in that regard.

Now, back to our idea of a template. You are all interested in how to best proceed with this. In the Registrar's Stakeholder Group, you have the plenary of the Registrar's Stakeholder Group, and then there is a special caucus dealing with RIA amendments. And I've presented the idea of taking a templated approach to the small caucus first. They were sufficiently interested in taking this forward to invite me to speak to the Registrar's Stakeholder Group plenary. And there was also a lot of traction, or I should also say there was no hesitation, but they have recently decided that they don't want to take a decision on this now, but rather see how things evolve at the member state level. And that brings with it challenges.

So, I had a breakfast meeting with the outgoing and the incoming chair of the Registrar's Stakeholder Group and a few others, and I cautioned against waiting, because what are we waiting for? Are we waiting for all transpositions to be done and dusted? That can take a couple of years if we're not lucky. And also, you guys are under pressure. As soon as the national transposition is done in the country where you're domiciled, you need to have something in place. And I cautioned against waiting, because the longer we wait, the higher the risk of fragmentation, i.e. that registrars will get as many different requirements from registries as we have TLDs.

So, we've now agreed that we would continue the conversation, that we would invite the lawyers of some of the players to the table to discuss this. I cannot give you legal certainty. Nobody else can give legal certainty at this stage. But the question is, and I think I mentioned that in the webinar that we did together a couple of weeks back, you cannot have, let's say, 90% certainty that you're on the right side and put an awful lot of cost and effort into it, or you can have like 90% certainty for a lightweight approach and adjust as you need.

I think what's important is that we come up with a defendable solution so not just make something up and hope and pray that everything's going to go well. But based on the things that I've mentioned to you, I think that we're good to go with coming up with a schedule of responsibilities where not everyone does everything except for the collection. And that we can be smart and reflect different models that are out in the market.

So, what I will try to achieve with the registrar's stakeholder group in the next couple of weeks is take what we've discussed with your specific requirements, but also include a little bit some more requirements that come from other parts of this community to hopefully get a document that covers pretty much the main set of circumstances that we find so that the registrars know that with a high probability, the requirements coming from US registries will not be exceeding that. So, that gives them operational certainty and they can plan with that. But I would like you to hold for a moment. I know that Ronald was on the verge of sending something that he produced based on what I've sent to you.

Let's wait for another couple of weeks whether we can come up with something that they accept as a template for the broader industry. But rest assured that I will keep an eye on making sure that your specific requirements that we discussed will be part of that template. Does that make sense?

NACHO AMADOZ: Just before we open up the Q&A and the reference to Ronald, Seb already raised a hand. I don't see the Zoom room, but if there's anyone there, you're on it. Before you enter the room, I was praising you for all the cooperation, all the insight, all the knowledge that you're providing, and all the hard work you're putting into that. And we thank you again. We really mean it.

There's also one thing that you said from the very beginning that I think everybody is clear on that. You are not providing legal advice, but you are assisting us to find a way to work and to streamline the work with

the registrars. And in that, we are seeing the result and the fruits now. So, again, thank you. This is something that we decided so that we could use the resources of the group to enlist someone with a respected voice to help us find a way to make it less painful. And I think that we are getting there. Some of us have lawyers in-house and some of us don't. But in any case, this is going to be a very useful tool for us because it is focused on fixing or anticipating a problem that could happen to be added to all the things that operationally and organizationally, we need to prepare for NIS2.

So, this is the light in which we are seeing this work. And in this regard, we are super happy to keep the work that you have started. Seb raised a hand before. So, Seb first, and then Jeroen. Thank you.

SEBASTIEN DUCOS: Sebastien Ducos. I can't remember exactly how my membership is attached, Sydney, whatever. But it's not about that. A few years back when GDPR fell upon us, we were in a position of having to teach this community what to do or finding these answers or finding these ways. We worked not formally, but we worked with you back then already. I think this is a good opportunity to do that again, because it was great for our image, great for the credibility of the group. And indeed, I don't know that there's good and bad lawyers. You'll tell me that. But I know that there's a lot of wishful thinking in this.

There's a lot of lawyers who might not bluntly put it enough and a lot of clients that don't want to hear what's happening, my employer included. And I think that if we're able not just to work amongst

ourselves, but then share that. And obviously, it's your work. So, we'll have to discuss that with you. But at least the plans and show leadership there, because there's a lot of questions to ask. And there's indeed a lot of things that are completely nonsensical being repeated around here. And we need to debunk these things. We're at the very, very special, just because of our membership at the cross section between gTLDs in Europe. Let's use that, because I think again, a few years back with GDPR, it put us in a spotlight and it was good.

NACHO AMADOZ: This is Nacho, again. Quick caveat word about the GDPR parable. DotCAT had a two-tier system where natural persons were identified and legal persons were identified similar to what many ccTLDs in Europe had. We pushed for that solution. We were rocked aside. This is what we have, no data, no matter what. And it was easier technically and legally for us to adapt to the ICANN solution that came late and that wasn't good, that didn't create any additional problems for us, than to push for the good solution, which was natural persons, legal persons opt in, opt out.

So, I agree with what you're saying. We saw it happening in the GDPR. And then I would say, let's push for a solution that helps us and see who lacks the background to our solution. Thank you. Ronald?

RONALD SCHWÄRZLER: Thomas and I met about an hour before and talked about preparation for this meeting. And he told me that I should wait some other days,

weeks to get this blueprint that you are preparing. So, I don't have a problem with that since Austria has missed the date for the transposition. dotBelgium probably has a problem with it, with waiting, because Belgium and Croatia, as you informed me, they have already done the transposition. So, I can wait, they cannot wait, or should not wait because they are fully eligible under Belgian law now.

What I did then, you sent me over the group, the word document, and I edited that document. I put in the registry name and I deleted your sentences of the minimum data set. And I chose the option, I left the option in with, I need the full data set. So, if I understand you right, you will prepare a document that I don't have to edit with some check boxes. I want the full data set because of blah, blah, blah. And this document is in its full capacity, known to the registrars that they already know then.

So, if this document with checked boxes approaches the registrar, they will highly likable just put it through because it's on a known, on a document that is agreed once with them. So, no need for editing, just check boxes. And you will follow up with the registrars to have such a document that I can then just send some weeks later.

THOMAS RICKERT: Correct. Just for those who haven't seen the document, the way it is built is I put in a couple of options so you can either use one paragraph that says that the registry wants to go to the MDS, to the minimum data set. Another option is the registry wishes to obtain a copy of the database to check nexus requirements and stuff like that. So, you can

either delete the options that are not applicable to you, but I would suggest that we make something where just tick boxes so that everyone can see, okay, this is the document that I'm familiar with. And I can just easily spot which options have been chosen because otherwise, the lawyers need to read through the entire thing and check for additional edits. And I guess that's a hassle that we want to spare everyone.

NACHO AMADOZ: This is Nacho again. So, with this in mind, I would like to encourage all members to take a very, very deep look into what Thomas will be circulating because there is room for proposals and for driving the document in the direction that is relevant for the group. Thomas is a great lawyer, but he's not a wizard. He cannot read your mind. So, he's going to put some language that we need to take in, look at that, see if there is something that we would like added, make a proposition, see how the document can change. And this cannot happen at the end of the process. This cannot happen six months from now. This cannot happen in a constant circle of endless feedback either.

So, we need to get this document, take a serious look, and make it all our own. Why I'm saying this, not because I want to preach to the desert, because anybody who has gone through an RRA amendment knows what a bureaucratic nightmare it is and how much time consuming it is. And if we get to the point where we can streamline it with a good document that serves all of us in many or most of the fields that we are concerned, that registrars have been hearing firsthand from the source, and that they are not going to be reviewing, and that we

don't have to go through all the different hurdles that we have in this process, including ICANN staff, not a hurdle on themselves, but when RRA amendments come around, it tends to get complicated. Registrars, sorry, this is complicated and time consuming, and it could end up with you being stuck in this process with the directive getting transposed in the meantime.

So, let's take a deeper look into this. We have a great source of knowledge taking up the burden of getting the pen and drafting, and he is open for us to have a discussion about what are your doubts. This is not going to be individually, we are going to set up a goal, we are not going to do that on the rash, but please keep it under your radar, because it is relevant work.

THOMAS RICKERT: Just a last remark. I have prepared a table which lists the headings of the document that you know, and then I have spelled out the options that I heard from others. So, I would like to give this group the opportunity to go through that, and just make sure that I hear from you what variations or what alternatives you might need that I have not yet captured, so that we know that we have something to cover all your requirements.

So, I would send that to you, and maybe your ExCom can organize collecting your feedback, giving you a few days to respond, and everything that is past that deadline can likely not be incorporated. But then we can increase the chances of covering everybody's needs.

NACHO AMADOZ: Thank you, Thomas. Just another word. This is not compulsory. This is a tool that we are getting to see how it is useful for members. So, if anybody has their mind set on something different, then so be it, but we think this is a relevant discussion that everybody in the group is going to benefit directly with the document or indirectly with the debate we are having about, and the insight we are having about whether this applies to you or not, and in which measure, and so on.

Now, this I think not concludes, but for the time being is what we have on the legal side. And we also wanted to use the meeting to have a discussion on how it is affecting all of us in our preparation on the operational organizational areas. So, this is where we open the floor to see anybody that wants to share any experience or any ideas or any insights about what is being done, what can be done, what is the status on your perception at your local jurisdiction. So, I saw Seb's hand first, and you're going to go.

SEBASTIEN DUCOS: Okay, Sebastien, because again, and this is going to get not too technical, but a bit technical. When you look at registration data coming from different registrars, you have two main behaviors. You have the registrars that have their clients and every time a new client comes up, they create a new identity for that client and attach it to a domain name but can reuse that same identity if that same person has different domain names and you find the same identifier, the COID, the

same identifier and you have those that every time they register a new domain give you a new set of data.

The reality is that all of them in their own backend have a single client. They just design and put their app together just to not even look for that existing client and go and send it. We need to stop that. We need to stop that because that means that for us but even for them it's idiotic to do it like that. If yeah exactly because it's then if we start checking, we'll be checking the same individual time and time again. Every time that the same individual, sometimes is three times under three different COID in the same domain name, because they're both registrant and tech and whatever. Makes no sense.

So, I don't know to what extent this is this is not your side legal but we can force good practices there from registrar. I know why they do it too by the way, and they do to sort of obfuscate as far as they're concerned that client data is theirs and they want to make sure that it is as obscure as possible because it's theirs but it's malpractice. It's a bad practice and it should be stopped.

NACHO AMADOZ: It is absolute garbage and a malpractice that is complicating your management of the database and may complicate all the obligations that we are going to be seeing in. Now, you could hope that they are going to be putting some work into that. You could. I agree with you. I don't think that unless there is some you know strong requirement or some strong support that indicates this direction at the national regulator level if you have the capacity to give them feedback and tell

them, hey, we have an issue that may complicate all this which is exactly this. This may start to change.

I know that it's been very time consuming to go through that and identify registrants in cases of patterns of registrations of abuse at our own place to see what was happening when we saw certain spikes that didn't make any sense. So, in that regard, the duty has been done but it is time consuming for the registry operator. You're right. So, maybe this is something and again not from the legal perspective, but in connection with all the efforts that we need to be doing all at once that could you know be added to say, hey, we see this as a complication that is unnecessary, what is the source of your problem? Why are you doing this? How can we help? Thank you, Seb.

DIRK KRISCHENOWSKI: Dirk Krischenowski. If we are ending with this thing which needs to, I have a question to you, Thomas. We have that case that in our case, we have almost just name and TLDS as domain names and not something like co.uk and that's the question. If I would have for instance, gov.hamburg and I'm operating this and offering the city of Hamburg services under gov.hamburg who is responsible then? I'm running the gov.de but the services under the subdomain whatever service. gov.hamburg is maintained by the city of Hamburg. Who's then really responsible on that? I think it's the question that maybe has been answered in the ccTLD world but I haven't seen it.

THOMAS RICKERT: So, NIS2 is silent on what hierarchy level a domain name needs to be. So, you have the TLD at the top level and you have second level domain names and third level domain names and so on and so forth. My take on this is, I would need to double check whether I'm missing some memory from nuances in the language of NIS and its reciters. I think if you as a registry are offering third name registrations to different entities, you would need to check those. But if it's sort of a private thing where I have a domain name and I share it with others and give them a third level domain name, then that would likely not be covered.

But if for gov.tld or org.tld, if that's part of the registry's mandate with individual registrants underneath, I guess that would fall under the definition of a TLD name registry for which these requirements would apply. Because I mean if you have a domain you can set up third fourth level domain names at will.

NACHO AMADOZ: Thank you. Sorry I lost the queue for a moment so I don't know who was there. You were waiting? You too Roger?

SEBASTIEN DUCOS: Sorry, just quickly to follow up on this. We had the example of KRD, the KRDS, that are running their but it's not technically a go.tld but they're running it like a like a country but based on the agreement. And with ICANN compliance, I don't have this written anywhere, but in these long discussions with them, they said if you run that edu.krd if you run that zone on the registry, you're responsible for it.

As far as ICANN is concerned and NIS2 is a different thing but so you're responsible for it and you have to clean it. And so, we decided to create a single name edu.krd and everything is actually running somewhere else on another DNS with other system by them and then they're out of the contract of ICANN's remit and ICANN's compliance duties, because the ICANN contract also says at second and all other levels but as long as it's within the remit of your contract as long as it's you basically.

NACHO AMADOZ: Thank you just for clarification because I may have not been clear if anybody wants to give any update now or talk about any other topic, we are open for that so sorry about that and go ahead.

ROGER SERRA PUIG: Yeah, just maybe helpful to quick update about what we are doing at dotCAT. I think we are not the only ones. We have seen that we are waiting for the Spanish transposition. Now, they say it's probably going to be there on December but for sure it's going to be needed for the regulation. So, probably we'll not have the final regulation till the end or late 2025. So, what we have done, we cannot wait because it's going to be too late so, we decide to start accreditation for the national security strategy of Spain. So, we start the process on June.

It's kind of a challenge for us. The process takes a little time. We, started in June and we are planning to finish it on March. We have been through at least 20% of the technical and legal documentation already. We have been getting the Security Policies Committee of appointing the

team, getting the team involved, getting the team learned also the new procedures.

So, my main learning is, start doing something because maybe then it's going to be too late at least from the Spanish state domains and we are planning to get the accreditation on March, but we are sure that we'll have to keep on doing and implementing the new regulations. So, it's a process that is not going to be cheap, it's going to be quite expensive and it's going to take more time than we expected. So, I encourage all the domains to get utilities to get that on and start the process which could takes lot of time.

NACHO AMADOZ: Thank you, Roger.

THOMAS RICKERT: Just very briefly. I think you're touching upon a very important point that I should have clarified at the outset. Those who have attended the latest GeoTLD group meeting have heard this, but it's not sufficient for registries to comply with article 28, what we've been discussing, but you need to fulfill the entire enchilada of requirements starting with article 20. And that's close to what ISO 2701 requires. So, if you have ISO 2701, you've achieved quite something already, but if not, you should start working on these processes because NIS2 also has a special gift for managers and directors because they're also liable if they are not providing for training cyber hygiene, password policies, and all that you know. So, there's a long list of things that need to be done.

NACHO AMADOZ: Josu, you go next.

JOSU WALINO: Yeah, it's just for you Thomas. It's a curiosity, it affects to all of us and I'm curious. With the ccTLDs, what's happening because the conversations I'm having with some of them. Are they really getting prepared? They really being aware of what's going on as we are, because we see that we are running up in many cases, a private business or a small business and so, it's a different kind of management for that. So, as Roger said, you're already working in an ENS or in some kind of certification, are you aware of how are they running this issue in the ccTLDs?

THOMAS RICKERT: I can't say for everyone but I think that a lot of them from what I hear are still in total denial and waiting for things to go away or yeah.

NACHO AMADOZ: Benjamin?

BENJAMIN LOUIS: What I see with AFNIC is, AFNIC is already NIS1. NIS1 is in a way very close to NIS2 on what they ask them to do and to prepare. So, I think I'm not a lawyer but what I see is it's probably easier for AFNIC with already NIS1 to get NIS2 and in a way and I hope I will see what the

French application will be but for me too because as I use AFNIC, maybe it will be easier for me to get ready for NIS2.

NACHO AMADOZ: This is Nacho. A couple of comments is that if they were in NIS1 and NIS2 expands the sectors, but I think that there are specific provisions for domain names that you as the registry operator are responsible for. So, one thing is to have backend with an ISO or NIS proof but and that extends to your chain of providers, sure, but you as a registry operator is the one that has to say, okay, I am ready and I can test it through this means. So, yes, that will make it easier for you but I don't think that much easier. I'm talking frankly.

THOMAS RICKERT: Just on that point. I think that EU-based ccTLDs that have been subject to NIS1 have done a considerable part of that work, but what's new now is this article 28 that we've discussed and also, for non-EU-based ccTLDs as well as gTLDs that are addressing the European market that are offering their services to the European market, they also fall under this and many of them have not been subject to NIS2 so far or they haven't contemplated that. Also, Nacho mentioned the supply chain, but article 21 has a specific provision that as a service provider falling under NIS2, you need to make sure that the service providers you're working with also fulfill these criteria.

So, if you have your backend outsourced to an RSP, you need to check with your RSP whether the RSP has fulfilled that. So, I think that it

makes sense, for example, for Registry Service Providers to get prepared and I know that some of you are providing the backend like AFNIC for other TLDs, so is CIRA and SIDN and others, to prepare for getting a questionnaire or request from the legal department from the registry operator to evidence that you are fulfilling all these requirements. And it might be worthwhile considering.

Maybe I shouldn't say this but we've just teamed up with a technical consultancy that has ISO auditors, so that we can do the technical and the legal part, do a gap analysis and say, okay, you're good to go, so that they basically have a letter to show to their Contracting Partners and say, okay, you can use me henceforth as a subcontractor because I'm fulfilling all these requirements, doesn't have to be this, but get prepared for getting some tough questions as we move on and it will get worse with DORA.

If that's a resilience act addressing the financial sector, that can include quarterly audits and all that. So, even if you're as it stands at the moment, chances are good that the walls are closing in on the domain industry even if you're selling one domain name to a financial institution, you might be subject to all these additional requirements.

NACHO AMADOZ: Before going to you, Seb, there was one thing that we heard from the Spanish ministry informally when they gave a presentation with one consulting firm one month ago in Madrid, they said that they would go easier on the supply chain side. You know how it goes? You say, they say, I hear but they said that, and coming to one specific thing that

Roger mentioned about the security certification in Spain. They also said and that's been published in Spain that this would equate to attesting fulfillment of the obligations for a very specific reason because this is under the mandate of the cyber security agency, and they have a specific department that is called the Central Security De Nationale, that published what they call a requirement profiling specifically of this certification scheme for NIS2 equating the obligations with the fields that this certification has.

So, in that regard, I think that we have some advancements that are clear but on the other hand coming down to Spain, we have this uncertainty about when will this be transposed and how much of a feedback are you willing to hear, because we had a meeting with them in the AGM in Hamburg one year ago, and they said no, no, no this is too early to hear feedback okay?

At some point, I'm sure that they're going to say no, no, no, this is too late to hear feedback and it's very difficult to try to make them understand. Hey, we don't want an exception, I mean we don't want to talk you into releasing us from the obligations. We want to talk you into making sense of an industry that you may not know so that we don't hurt each other. Yeah, Seb, please. Okay. So, nobody else in the room, all doubts clear. Thanks to the wizard's magic. Thank you very much. We have 13 minutes, so we have time.

SEBASTIEN DUCOS: Yeah, it's not it's not really a question for us, but maybe if we're talking about that. My understanding is that, one of the requirements of NIS2

for legal entities if you can define them is to have at least three fields visible. The company name, a role-based email address, and a phone number and a phone number. And in the templates that we have according to our contracts that derive from temporary specification, we are allowed to show all the fields or we're allowed to show redacted fields, but there's no mix and match in the contract today that says, I'm going to show this, this, and this, and the rest I'm leaving contract redacted. It's either or they'd say, two-way template. Do we need to start looking into this?

THOMAS RICKERT: So, first of all, what you said is correct but I need to add a qualification coming out of the recitals of NIS2. So, you need to need to publish. Publish is the technical wrong term, but you know what we mean. The name of the legal entity, the email address and the phone number and the email address to the extent that it's not personal data. So, there is a little bit of a risk.

I think the risk is low if you properly advise the registrants about what's happening such as CAT or dotEU, who make a distinction between natural and legal entities but there is this qualification. You may have a small risk if you proceed to publish the email addresses for all legal entities without checking that it's actually a no personal data and to your second point, I guess there's a technical dimension and there's a contractual dimension to it.

If you are legally obliged to unredact part of the three data elements, ICANN compliance won't be able to go after you because they can't

force you to breach national applicable laws, but the but you might need and I don't know how this how you've implemented this. You might need to change the methodology by which the redaction is done so that you have the possibility of redacting one or none of these fields.

SEBASTIEN DUCOS: On the backend, that's not very, very complicated no but it takes techies to do it and indicate it's a not a Geo. So, that's why they want to break it. It's a heavily regulated industry that only has clients that are legal entities, they don't accept anybody else and etcetera and they're going already through the work of ensuring that nobody's put their name and their email address and it's all world base.

THOMAS RICKERT: And if I may add a personal note. I think that it's so wrong to force the publication of a phone number and an email address. I mean, we've been working hard to get that removed from the requirements following the temp spec.

NACHO AMADOZ: In the regard of the publishing of the details in connection with the registrar organization, a piece of advice from our past experience is that many registrars didn't make that distinction clear to the registrant. Now, this is supposedly not going to happen again because they need to ascertain the accuracy of the data and verify the data but what we had in our database when we had that distinction between legal persons and natural persons, was that in many cases, the legal person

data was just copied from the registrant data which was not needed. You could choose which way to go and if you opted for classifying yourself in the registrar at the registrar level as a natural person, you didn't need to add a registrar organization but the registrars did what they could, I guess. So, this is something also to watch for if we are going to go without that one.

Good talk, good discussion, and I think it's going to be very helpful for all of us in the upcoming weeks and months. We still have eight minutes. We don't need to use them. We can but if we get them back as we are giving you eight minutes of your life back to you. So again, copyright Sam. So, again thank you all for coming but especially thank you, Thomas for being with us, holding our hands along the way. Thank you very much. Goodbye.

DEVAN REED: Please, end the recording.

[END OF TRANSCRIPTION]