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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.
- 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
- Political and/or reputational damage to ICANN

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

IGO Activities

IGO Activities and Processes

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

- **GE publications with more information**
  - Link will be posted in the chat

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

Key issues at ITU PP-22

Internet related resolutions expected to be renegotiated

- ○ **Resolution 101:** Internet Protocol-based networks

- ○ **Resolution 102**: ITU's role with regard to international public policy issues pertaining to the Internet and the management of Internet resources, including domain names and addresses

- ○ **Resolution 130**: Strengthening the role of ITU in building confidence and security in the use of information and communication technologies

- ○ **Resolution 133**: Role of administrations of Member States in the management of internationalized (multilingual) domain names

- ○ **Resolution 180:** Promoting deployment and adoption of IPv6 to facilitate the transition from IPv4 to IPv6

Legislative Developments

European Union

Closing legislative files

- The DSA will be approved in September and will be applicable around January 2024

- The NIS2 is expected to be approved in October, EU member states will have 21 months to transpose it

European Union

Other legislative files

- Proposed Regulations on Geographical Indications' (GIs)
- AI Regulation
- eIDAS
- EU standardization strategy
- 'Fair share' discussion

APAC Developments: China

- Recently a number of new regulations/legislation with the potential to touch on ICANN's mission

  - Cybersecurity, Data Protection, Data Security, etc.

- The most notable with an impact to ICANN is the Personal Information Protection Law (PIPL)

  - Took effect on 1 Nov 2021

  - Similar to GDPR with some differences

APAC Developments: India

IT Act 2000, with amendments in 2008

- ○ The Indian Government has been discussing an overhaul of the Act given new developments in the space

- ○ Updates in the past two years:

  - ■ The IT Rules 2021 was passed in Feb 2021 (superseding the IT Rules 2011 which formed part of the IT Act 2008).

  - ■ "Directions on the IT Act 2000 sub-section (6) of section 70B" relating to information security practices, procedures, prevention, response, and reporting of cyber incidents, was published in Apr 2022.

APAC: Personal Data Protection Related Developments

- Thailand's Personal Data Protection Act
  - Took effect on 1 June 2022

- Japan's Amendments to the Protection of Personal Information Act
  - Took effect on 1 Apr 2022

- Sri Lanka's Personal Data Protection Act
  - Bill passed on 19 Mar 2022.

- Vietnam's Draft Personal Data Protection Decree (PDPD)
  - Final version pending

- Bangladesh's Personal Data Protection Bill
  - Still in draft mode

- India Data Protection Bill (2021)
  - Withdrawn

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APAC: Other Internet-Related Regulations/Legislation

- Across the Southeast Asia sub-region, we're observing more regulations/legislation relating to overall management and use of the Internet.

- Recent examples:

  - Vietnam's New Draft for Decrees on Management, Provision, and Use of Internet Services and Online information; and on the Management and Use of the Internet

  - Cambodia's Sub-Decree on National Internet Gateway.

- Oceania region

  - Search and Surveillance Act of 2012

  - Intelligence and Security Act of 2017

  - Cyber Security Strategy 2019

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