



ICANN	71
VIRTUAL POLICY FORUM	
14-17 June 2021	

Welcome to **ICANN71!**

By **Mason Cole**

On behalf of the Business Constituency (BC), welcome to **ICANN71!**

This policy forum is ICANN's second meeting of 2021 and now the fifth held virtually since the beginning of COVID-19. While we all eagerly watch the horizon for an opportunity to return to face-to-face meetings, once again, the BC conveys its hearty thanks to ICANN's meetings team for putting together what is sure to be a productive and collaborative week of virtual meetings, sessions and plenaries. These

professionals deserve our applause.

There have been significant developments in our industry since the BC's last newsletter in March. The broad impact of the European Union's General Data Protection Regulation (GDPR) continues to be felt industry-wide as participants sort out its precise application. Domain name system (DNS) abuse continues to be on the rise. ICANN now is contemplating recommendations surrounding a new round of top-level domain (TLD) applications. It seems the work of the

community is never finished.

The impact of these developments is of course widely felt, but particularly by the business users of the internet that we represent. Companies and organizations that make their presence known and conduct commerce via the web need common-sense, predictable online rules to live by in order to thrive and advocating for these attributes is the focus of the BC's work. There's never been a better time to involve yourself in the work of the BC – our voice is strong, but always can be made stronger.

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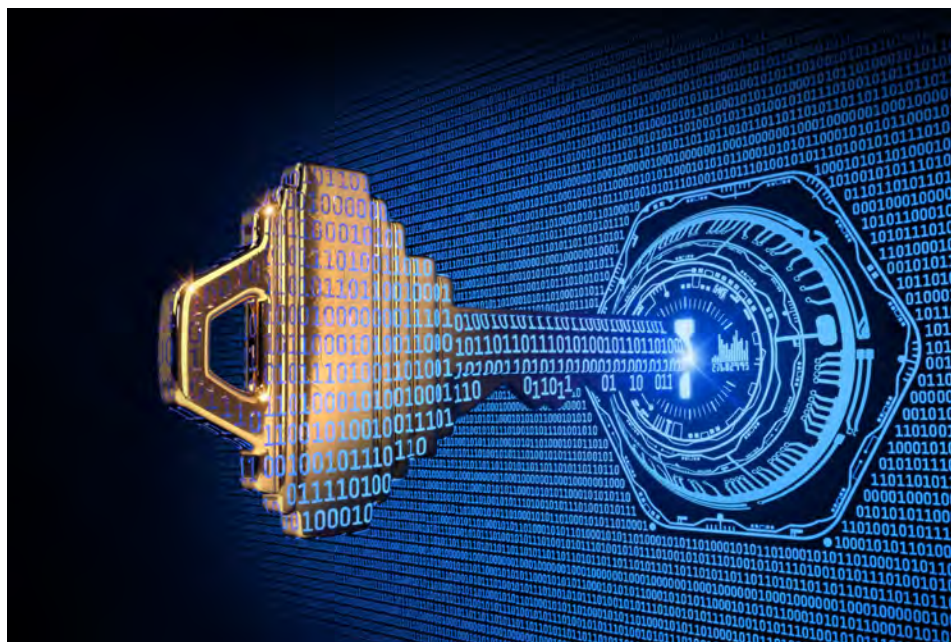
If you're a newcomer to ICANN and the BC, I welcome you to our constituency and encourage you to identify and participate in the issues that are critical to you, your organization, and the wider community. I believe you'll find that BC members will receive you warmly and gladly accept the contribution of your time and expertise. In fact, the collaborative application of our members' collective expertise is what has made the BC an influential voice in internet governance matters. Please keep your thoughts and ideas coming – they're valuable and necessary to our work.

This newsletter is but one in a series of many. I encourage you to give it a close read and also to have a look at past editions at <https://www.icannbc.org/>. You'll find a great deal of valuable information in this conduit to our membership and the ICANN community.

While you're perusing our newsletter archive, take a moment to browse the BC's new website. Our Vice Chair for Finance and Operations, Lawrence Olawale-Roberts, has worked diligently to enhance our online presence, and the site is worth a few minutes of your time, especially if you're just learning about the BC.

Best of luck for a productive meeting, and please stay safe and healthy. I look forward to collaborating with you over the coming week and beyond.

Mason Cole
BC Chair



Draft EU law offers clarity on WHOIS issue

Access to domain name registration data (commonly known as WHOIS data) is vital for law enforcement, cybersecurity, consumer protection and protecting against intellectual property infringements. Given these important and legitimate interests, access to WHOIS data is not incompatible with the EU's General Data Protection Regulation (GDPR). However, whether due to a willful misinterpretation of the law, or an over-abundance of caution given the potential penalties for not complying with the GDPR, contracted parties have dramatically reduced access to WHOIS data.

By Ben Wallis

To remedy this misapplication of the GDPR, a draft European Union cybersecurity law – the update to the Directive on Security of Network and Information Systems (NIS2) on cybersecurity – includes provisions that set out the critical value of WHOIS data, and when, how, and to what extent that data should be made available.

The BC is following the legislative process closely and providing input to key legislators to provide information about this issue and recommend how the draft law should be clarified and strengthened to remove loopholes and ensure it can achieve its stated aims.

The path to an EU law

EU laws are drafted and proposed by the European Commission, and the proposed laws are then considered and amended by the two parts of the EU legislature – the Council (representing the EU's 27 national governments) and the Parliament (representing the citizens of the EU). The Council and Parliament produce their own versions of the draft law, and then the two bodies come together to agree and adopt a final text. The Commission published the draft NIS2 Directive in December 2020, and we anticipate that the law will be adopted by the EU in mid-2022.

But that is not the end of the story. For

Report on the 2020 Abuja IGF Remote Hub

Virtual Global Internet Governance Forum

On the 2nd of November 2020 the IGF remote hub in Abuja, Nigeria opened its doors for two weeks. This was made partly possible with sponsorship from the ICANN Business Constituency. As the better part of 2020 witnessed massive disruption to the norm due to the global outbreak of COVID-19 causing a total lockdown of cities across the world for months on end, the opportunity provided by this remote hub to serve as a physical melting point for community members to interact in-person on issues slated for discussion before the IGF was invaluable.

By Lawrence Olawale-Roberts



CEO and Staff of MicroBoss with Jimson Olufuye Vice Chair, Finance and Operations of ICANN/BC at the 2020 Abuja IGF Remote Hub

The Remote Hub powered by MicroBoss for a fourth year in a row observed all COVID-19 rules for small gatherings through the duration of global IGF that connected participants live to the Virtual event.

Prior to the event, some strategic mobilization was done to allow participants that were entirely new to the process to blend with a mix of experienced community members and not exceed 20 persons at every given point in time, in obedience with the strict COVID local regulations in the host city, Abuja. The Hub had a total of 14 participants in attendance on the

day participation peaked the most.

The Hub opened its doors at 8:00 WAT on the 2nd of November and closed at 5.00pm WAT after participating in a wide section of the sessions during the duration of the event. The timeslots for most of the sessions were favorable in our part of the African region. In total, the Abuja IGF Remote Hub joined and participated in 34 different sessions during the two-week period the hub was open to the public including the opening ceremony, plenaries, high level sessions and the public forum.

Sessions live streamed at the hub included:

Internet Governance - Challenges in Crises Period

Public Private Partnership in the Field of Cyber Security

Interoperability - Openness in the Age of Platforms

How 5G will help Economies to Rebound from the Pandemic

IGFSA General Assembly

The final session of Day 1 at the Hub was the **Introduction and Orientation for Newcomers** which was a guide for the IGF 2020 participants on the overall structure of the meeting.

Other topics streamed at the Hub

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included:

AFICTA- Driving the Digital Potential of Africa

COVID19 as a Flywheel for the Digital Transformation of the Economy, Public Administration and Society

Internet Society's Collaborative Leadership Exchange

African Internet Rights Alliance (AIRA) on Protecting Digital Rights in Africa.

Dynamic Coalition on Schools of Internet Governance (DC SIG), with the theme Inclusion and sub themes; Digital cooperation, Digital literacy, Digital skills. The DC SIG meets yearly with 3 main goals: to reach out to those interested in schools on Internet Governance, to review the work done the year before, and to decide on the work of next year.

The Role of Gigabit Infrastructure in Building a Gigabit Economy and Society

Taxing the Digital Economy- How to do it Fairly

Governance of Blockchain-Based Business

Content recognition tools: Novelty? Reality? Necessity? Danger?

Automating Society – we'll show the evidence

Attention Economy and Free Expression

Future Unclear: Data bodies in post pandemic times

EU Delegation to the IGF and the Youth IGF, IGF2020 Inaugural Meeting; Dynamic Coalition on Data and Trust.

African Union Open Forum

Sharing of Personal Data During the Pandemic

Opportunities of the Future and the development of startups - the experience of ecosystem

Trustworthy Internet technologies against COVID 19

City Open Data Platform – Prototyping solutions for citizens and businesses

Swiss Open Forum on Self-Determination in the Digital space

Beyond Personal Data: Literacy, Sovereignty and Rights.

These formed the program outline for the Abuja IGF Remote Hub for the first week.

In the second week the Hub resumed after the weekend with the following sessions:

Community Network, Electricity and Digital Inclusion

Global crisis and socially responsible data responses

Trusted Digital Space via PRIDA- Informed Transformed Africa

Opening High-Level session: The fifteenth meeting of the Internet Governance Forum, Projects from Africa and Asia on developing and using data sets in low resource



Continued: Report on the 2020 Abuja IGF Remote Hub

languages to strengthen access to information

Believe it or not, the Internet Protocol is on sale

Meet the MAG chair and MAG was another interesting session. This was an opportunity for IGF 2020 participants to interact directly with the chair of the IGF Multistakeholder Advisory Group (MAG) and the group's members. The MAG is established by the Secretary-General of the United Nations to advise the Secretary-General on the program and schedule of the IGF meetings. The MAG is comprised of about 55 members from Governments, the private sector and civil society including representatives from the academic and technical communities.

The list of other sessions streamed at the Remote Hub and for which participants asked questions from the team at MicroBoss included:

TRUST, Cultural Processes in the Age of the Digital Revolution

Inclusion Challenges and Solutions for Fair Online Education

Security of digital products - Industry and Enhancing Trust

BPF Cybersecurity

Nobody Left Behind - Interregional

Cyber Capacity Building

One size fits all? Global Norms as a threat to inclusion

IGF 2020 High-Level Leaders Track - Economy

How do you embed trust and confidence in AI?

Community-facilitated Networking Break

Capacity Building in the Age of Convergence

The Circular Economy of ICT

The Interaction of Platform Content Moderation and Geopolitics

Community-facilitated Networking Break: The Global South and the AI (Regulatory) Race, Internet of Things: Trust, Tick or Threat?

Universal Acceptance of Domain Names and Email-Addresses

Building Inclusive Digital Economies in Emerging Markets

Hacking-Back: A Dialogue with Industry

The Future of Work from Home: Internet Governance Post

Mobile Internet Impact on the environment in 5G era and CO-Designing Policies for a Sustainable Digital Industry

The last session was the networking event: **What's your IGF 2020 experience?** This session was an informal networking space for all participants to engage with the IGF Secretariat and the chair of the MAG to provide feedback on the IGF 2020.

This brought the Remote Hub for the IGF 2020 to a close, as a selected number of regular participants at the Hub were encouraged to join the public forum from the MicroBoss office on the 25th of November rather than the official remote hub center in the heart of town which hosted our event for the two weeks the Remote Hub was open, live and running. Every participant was treated to coffee and snacks as well as sumptuous lunches all through the duration of the IGF.

Business leaders were mobilised for a one-day BC outreach where BC factsheets, brochures and other educational materials were circulated.

Business leaders were specially mobilised for a one-day BC outreach at the Hub where custom BC factsheets, Meet the BC brochures and other educational materials on the BC were circulated to guests. BC member Mr. Lawrence Olawale-Roberts spoke about the value of BC membership to participants and played a series of ICANN videos focused on the BC and the value of engagement via the BC to attendees at the outreach session. Two commitments towards membership were received by business entities present at the venue.

Encouraging developments on proposed NIS2 directive

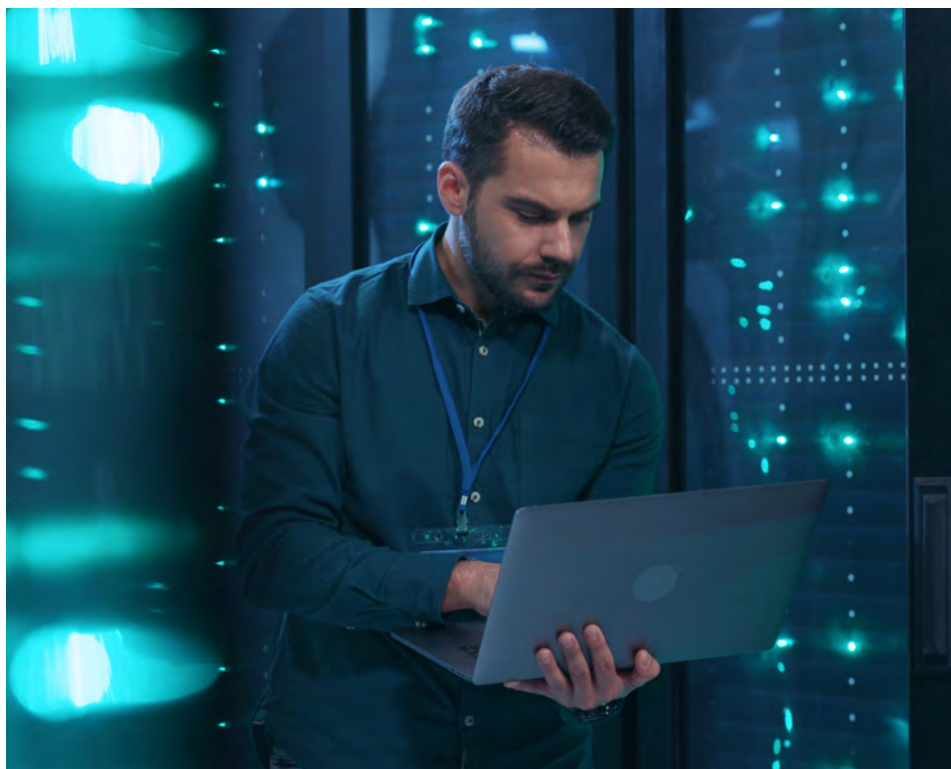
If you've followed the implementation of the European Union's General Data Protection Regulation (GDPR) closely, you're aware that, while it is meant to protect personally identifiable information from unintended use, the law has been consistently misapplied by data controllers, including ICANN's registries and registrars.

This misapplication has led to serious consequences in various corners of the internet, but particularly as it relates to the nearly full redaction of domain name registration data (known historically as WHOIS). With WHOIS effectively dark, law enforcement is having a difficult time tracking down criminal behavior. Cybersecurity experts can no longer perform the rapid investigatory work necessary to mitigate online harms. Intellectual property owners are frustrated by their now limited ability to enforce their rights.

However, there's good news: Recognizing that GDPR has been very liberally applied and, in some instances, in the wrong way, the European Commission has stepped in with an effort to clarify their intentions behind the GDPR law, including their intentions regarding Whois. They've done so via a draft directive on the security of network and information systems -- known as "NIS2" for short.

When the European Commission sought -- via the draft NIS2 directive -- to clarify its intentions with regard to WHOIS data, the BC and others (including the ALAC, IPC and even ICANN Org itself) seized the opportunity to lodge our input on what would be helpful clarifications as the draft law is scrutinized by the EU legislators.

With invaluable input from a diverse drafting team, the BC seems to have contributed to some very positive developments. In particular, the initial position by the Member of European Parliament leading the Parliament's



Cybersecurity experts can no longer perform the rapid investigatory work necessary to mitigate online harms.

position on the draft law provides us with the following significant updates:

- Rather than mandating disclosure of registration data via a legitimate request "without undue delay," the BC was able to secure language that mandates disclosure within 24 hours.
- In reply to BC input and discussions with EC officials, we now see in the language that Whois data must be validated by registrars.
- We also see mitigation of DNS abuse highlighted as a reason for the strengthened language. After a long period as the only real voice on DNS

abuse, the BC should be gratified to see this recognition.

The European legislative path is long and winding, but we could not have hoped for much of a better position from this key Member of Parliament at this early stage.

These developments are laudable and represent a tremendous amount of hard work by the drafting team and others. While this is cause for a moment of celebration, there of course is more work to be done. This is a rapidly-moving situation and will require further attention by the BC the coming weeks.

ICANN Multistakeholder Organizational Chart



ICANN Board of Directors

Top row Left to Right: Göran Marby – President & CEO, Maarten Botterman – Chair (NomCom), León Sánchez – Vice Chair (At-Large), Harald Alvestrand (IETF Liaison), Becky Burr (GNSO), Ron da Silva (ASO), Sara Deutsch (NomCom), Avri Doria (NomCom), Lito Ibarra (NomCom), Manal Ismail (GAC Liaison)

2nd row Left to Right: Danko Jevtovic (NomCom), Merike Käo (SSAC Liaison), Akinori Maemura (ASO), Mandla Msimang (NomCom), Ihab Osman (NomCom), Patricio Poblete (ccNSO), Kaveh Ranjbar (RSSAC Liaison), Nigel Roberts (ccNSO), Matthew Shears (GNSO), Tripti Sinha (NomCom)

Generic Names Supporting Organization (GNSO)

(see following page)

Philippe Fouquart (Chair)
Pam Little (V. Chair)
Tatiana Tropina (V. Chair)

Country Code Names Supporting Organization (ccNSO)

Alejandra Reynoso (Chair)
Pablo Rodriguez (V. Chair)
Jordan Carter (V. Chair)

Address Supporting Organization (ASO)

Hans Petter Holen (Chair)
Oscar Robles (V. Chair & Secretary)

Empowered Community Administration

Maureen Hilyard (ALAC)
Oscar Robles (ASO)
Alejandra Reynoso (ccNSO)
Manal Ismail (GAC)
Philippe Fouquart (GNSO)

Government Advisory Committee (GAC)

Manal Ismail (Chair)
Vice Chairs:
Pär Brumark, Rodrigue Guiguemde,
Jorge Cancio, Tepua Hunter

Security & Stability Advisory Committee (SSAC)

Rod Rasmussen (Chair)
Julie Hammer (V. Chair)

Root Server System Advisory Committee (RSSAC)

Fred Baker (Chair)
Brad Verd (V. Chair)

At-Large Advisory Committee (ALAC)

Maureen Hilyard (Chair)
Joanna Kulesza (V. Chair)
Jonathan Zuck (V. Chair)

Root Zone Evolution Review Committee (RZERC)

Tim April (Chair)

Technical Liaison Group (TLG)

Christian Toche (ETSI)
Howard Benn (ETSI)
Reinhard Scholl (ITU-T)
Jie Zhang (ITU-T)
Wendy Seltzer (W3C)
Shadi Abou-Zahara (W3C)
Warren Kumari (IAB)
Tim Wicinski (IAB)

Internet Engineering Task Force (IETF)

Harald Alverstand

Nominating Committee 2021

Ole Jacobsen (Chair)
Tracy Hackshaw (Chair Elect)
Jay Sudowski (Associate Chair)

Ombudsman

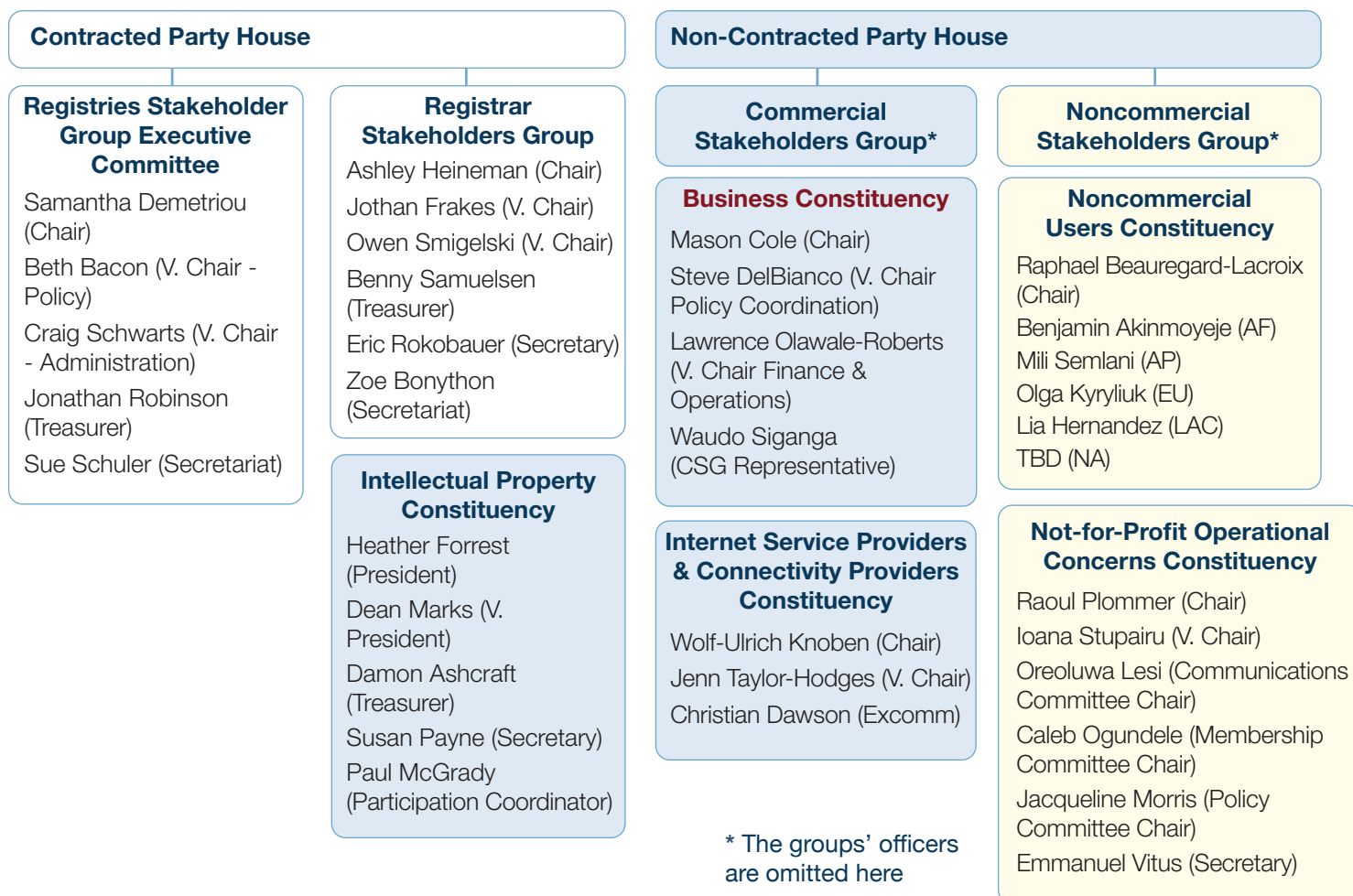
Herb Wayne

Customer Standing Committee (CSC)

Lars-Johan Liman (CSC Chair)

GNSO Stakeholder Groups, Constituencies & Council

The GNSO Council is responsible for managing the policy development process of the GNSO.





The Benefits of BC Membership

The Business Constituency (BC) is the voice of commercial Internet users within ICANN – the Internet Corporation for Assigned Names and Numbers.

Business users rely on a stable and secure Internet and e-commerce experience, one that serves their users and customers on a global basis. Through your participation in ICANN, and in the Business Constituency, your company will make a difference on behalf of business.

BC members contribute as:

- participants on the BC e-mail list to learn about and debate issues
- participants on telephone conferences to reach consensus on key issues
- participants at physical meetings coincident with ICANN global meetings
- issue managers on specific topics
- bridges for information flow between other GNSO constituencies

The mission of the BC

The Constituency fully represents the views of the Internet business user community.

ICANN policy positions are consistent with the development of business via an Internet that is stable, secure and reliable while promoting consumer confidence.

ICANN policy positions derive from broad stakeholder participation in a common forum for suppliers and users.

BC Executive Committee



Chair
Mason Cole



Vice Chair Policy Coordination
Steve DelBianco



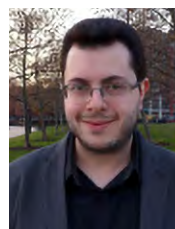
Vice Chair Finance & Operations
Lawrence Olawale-Roberts



CSG Representative
Waudu Siganga



GNSO Councilor
Marie Pattullo



GNSO Councilor
Mark Datysgeld

2021 Nominating Committee (NOMCOM members)



Large Business Seat
Scott McCormick



Small Business Seat
Adetola Sogbesan

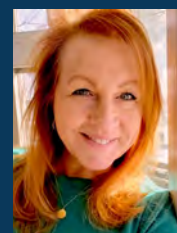


Associate Chair
Jay Sudowski

BC SECRETARIAT



Chantelle Doerksen



Brenda Brewer

If you would like to become a member of the BC, please contact the BC Secretariat at: info@icannbc.org or simply visit our website and register online:

www.icannbc.org



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