DEVAN REED: Good morning, good afternoon, good evening to everyone. Welcome to the seventh monthly roundtable by EURALO on DNS abuse and intermediary liability of non-hosting providers on Tuesday the 21st of September 2021 at 18:00 UTC.

In the interest of time, we will not do a roll call today, but all attendees' names will be noted on the agenda page after today's meeting. The Zoom room will be in English, but we will have Spanish, French and Russian interpretation over the audio bridge. If you wish to join one of the language channels, please dial in to the bridge and enter the language ID. Alternatively, you can send a private message to support staff with your preferred contact number.

A kind reminder to please speak clearly and slowly to allow for accurate interpretation and to please state your name each and every time you speak, not only for transcription purposes but also for interpreters to identify you on the other language channels.

Thank you so much, and now I will hand the call over to Sébastien Bachollet, chair of EURALO.

SÉBASTIEN BACHOLLET: Thank you, Devan. Thank you very much. Thank you for all the people who are participating. But I would like to start my thanks to Joanna because she set up this roundtable in a very short time and I would like also to thank the speakers who agreed to be with us today. I am sure

that it will be an interesting session, and I am happy that there are people from different constituency coming to this session.

I didn't set up any slides, therefore I don't know what can be going on on the slides, but I would like to give the floor ... I guess I would start with Joanna. You may give us a landscape about what is the purpose of this session, and then we will give the floor to each one of the speakers, Tobias, Sebastian and Elena. Joanna, please. Thank you.

JOANNA KULESZA: Thank you very much, Sébastien. Thank you, everyone, for joining us. In particular, thanks to our speakers who indeed have agreed to be with us on a lovely what is a European Tuesday evening to discuss intermediary liability, the plans here in Europe of the European Commission to regulate digital services, and the impact this might have on the ICANN community.

Our guests today, starting us off, Tobias and Sebastian, have coproduced a report for the European Commission on the impact that the DSA—the Digital Services Act—might have on Internet infrastructures broadly speaking, and the gentlemen will give you a more detailed introduction as we progress.

And this is interesting to us ICANNers because the DSA might indeed have an impact on the way that ICANN does its business and shapes its policies. And this has been highlighted by Elena in a number of papers. Elena Plexida has been wonderful in feeding that narrative into the ICANN dialogue. She organized targeted specialized meetings with the

commission who have given us a lot of background on where the DSA is coming from.

So we would like to look into the crystal ball of ICANN policy, if you will, and see if there is potential in the DSA, in the framework that the European Commission is setting up. I know Elena will give us insights into the DSA, but also into the broader landscape of European regulatory progress whether there is potential for ICANN to keep a watchful eye on these advancements, how we want to do this and whether —since this is an At-Large session—there is a particular end user interest that we might be able to identify and represent better in ICANN's policy development processes.

There is therefore a broader Internet governance background to this discussion, and we will use the DSA, the brilliant report from our first speakers and the wonderful contributions from Elena as a starting point for this discussion tonight.

We have 90 minutes. We have reserved sufficient time, I hope, for Q&A. and since this is the EURALO roundtable, we would love to hear from you what your thoughts are. We've put into the agenda this concept of the picket fence that runs where content starts, and that seems to be a contentious topic the more we talk about registries, registrars, content regulation and DNS abuse. So as much as this panel in itself is not about what we understand as DNS abuse, it is about understanding better where this picket fence is.

So this was the reason for us inviting you here tonight, this morning, this afternoon wherever you may be, to try and better understand where the

European Commission is coming from, where it is heading and where the ICANN community fits in. That's as best of a sort of recap as I can do, Sébastien. I hope that works. Do feel free to put your questions or comments in the chat, and we'll pick up on these in the dedicated—hopefully sufficiently long—Q&A session. I'll stop here and give the floor back to Sébastien to keep us on the agenda. Thank you very much.

SÉBASTIEN BACHOLLET: Thank you very much, Joanna, for this introduction. It was very useful and interesting, and I would like to give the floor first to Tobias Mahler. If he can introduce himself and then give his presentation, that will be great. Thank you very much. Go ahead, Tobias, please.

TOBIAS MAHLER: Thank you very much. And actually, I'm here together with Sebastian Schwemer, but I think he can introduce himself in a minute, and he will actually be the person who presents this because he was the first author of the report.

So my name is Tobias Mahler, I'm a law professor at the University of Oslo, and you see the law faculty behind me. I teach Internet governance and other subjects.

A couple of years ago, I've been working a bit more with ICANN and the ICANN community. I worked on a book on generic top-level domains, a

study of transnational private regulation, which was published two years ago.

And I'm really glad to be here with Sebastian Schwemer who is a good friend and a collaborator on this report which we wrote together with another colleague here, Håkon Styri who has more of a technical competence. Sebastian, over to you.

SEBASTIAN SCHWEMER: Thank you very much, Tobias. Good morning, good afternoon, good evening, everyone. My name is Sebastian, I'm an associate professor at the University of Copenhagen Center for Information Innovation Law, and also adjunct associate professor at the University of Oslo.

Today, we are here to tell you about the study we did for the European Commission, being of the overall question DNS abuse and intermediary liability of nonhosting providers, where does the ICANN community fit in. I know I usually talk very fast, and I do my best to slow down. If there are questions, please post them in the chat.

So the background of the study is really the European framework for intermediary liability. And I will give you a brief introduction in just a minute, but to give you an indication of the timeframe we're looking at, the ecommerce directive which currently regulates the liability exemption of certain intermediaries on the Internet is from the year 2000. So that's 21 years ago.

Looking at the development, most notably if we look at platforms, how they have changed, but also on the more technical layer of the Internet, of course, things have changed.

Nonetheless, the ecommerce directive has aged fairly well, until the commission for example in 2016 said that it is still fit for purpose but the parliament was already pointing out the clarifications necessary. And then from 2019 ongoing, the Digital Services Act preparations took its way.

The study we've been doing for the European Commission was entitled a legal analysis of the intermediary service providers of non-hosting nature, and it really catered into the preparatory [inaudible] Digital Services act.

And I just want to very briefly present to you what we've been doing there. We looked at the topology of non-hosting intermediaries and functions, so looking at what is both the technical and also the business aspects of these intermediaries and their functions, what is the current legal framework in the European Union for non-hosting intermediaries, what developments have we seen in case law and national divergences, and then also setting out certain parameters for future regulation, what could be—when revisiting this framework and making it futureproof—aspects to look at.

And we more concretely looked at several different areas of non-hosting nature, as you may call them. So the DNS, we also looked at WiFi hotspots, content delivery networks—a very topical question right now in Europe—processing in the cloud, livestreaming, and to some extent,

search engines. So this was really part of a bigger endeavor looking at everything that is not traditional hosting where many of the large platforms which of course dominate European policy discussions would fall under.

Today, I'm going to focus on the DNS part with Tobias and hope we can provide some input to your discussion. First, however, I briefly would like to remind you of the European liability exemption framework. As a starting point, liability of intermediaries is not regulated on the EU level. This is subject to the national liability standards. There are a few exemptions, for example, in the field of copyright for large online platforms, but mostly, liability is a question of the national liability concept.

Liability exemption on the other hand is being regulated in the ecommerce directive, and the ecommerce directive has three functions of certain information society service providers that are exempt from liability under certain conditions. These conditions vary according to the expectations towards the service provider.

So mere conduit in Article 12 of the ecommerce directive, the most traditional example would be an Internet access service provider, has very low expectations as to how the actor needs to react in terms of illegal information.

Caching, a second function that is regulated in Article 13, and that is proxy caching, which in practice hasn’t really had that much focus in Europe but might be relevant going forward nonetheless.

And then lastly, of course, where a lot of the interest is, traditional hosting in Article 14, where the notice and action regime, so the traditional notice and takedown comes from and where most of the online platforms would fall under.

And this is the traditional liability exemption regime of the ecommerce directive. It's also important to keep in mind that there's a so-called prohibition of general monitoring obligations, meaning that member states are not allowed to oblige intermediary service providers to generally monitor the information that they are transmitting or hosting.

What is also important to keep in mind about this liability exemption framework in Europe is that it actually is not addressing intermediaries as a notion but using this legalistic notion of a so-called information society service provider that then provides these three very specific functions, mere conduit, caching, and hosting.

It's also important that the intermediate liability is horizontal, the exemption, meaning that it covers criminal, civil and administrative liability for all kinds of illegal information by third parties. That means, for example, the question of whether there's imprisonment for the conduit of illegal information. But it's only liability that is being exempted. Injunctions are out of the scope of this framework.

And lastly, an important point of the liability exemptions in Europe is that the activity of that information society service provider needs to be of a mere technical, automatic and passive nature, which has been stressed by the case law of the Court of Justice quite extensively.

And this is the background of the liability exemption regime in Europe. Now, the question with regards to non-hosting is where do some of these non-hosting functions fall in? Internet access is very clearly the traditional case of mere conduit. IXPs might as well, VPNs, caching, etc.

It gets a little more tricky looking at for example search engines or linking the DNS, Wi-Fi hotspots, content delivery networks or processing in the cloud or livestreaming, because these are not mentioned in the ecommerce directive, and the question is where they really would fall in and whether they would fall under one of the liability exemptions at all. And these are some of the questions we looked at in our study.

If we turn to the specific case of the DNS—and keep in mind, the question here is not—if we take the example of a domain registry—whether the domain name as such is problematic. The question here is whether the domain is redirecting to problematic or illegal information and what the role is. And again, the question of liability is not harmonized.

So the interesting question is rather, would these intermediaries in the DNS space fall under the current liability exemptions? And that's of course—IP addresses and domain names play a crucial role on the Internet, but at the same time, really, the current ecommerce directive liability exemptions do not explicitly address these functions. And I'm only guessing here, this could be because back in the days when the ecommerce directive was conceived, which was very much inspired by, yes, American law, Section 512 of the Digital Millennium Copyright Act,

that these functions on the Internet have not been very prominently discussed when talking about the relation to content.

There has been one case before the Court of Justice, the [SMD React] case that has been interpreted by some as maybe covering registrars, registries. It was very confusing. But I think what it really covers is provider of an IP address rental and registration service. And the Court of Justice in that case had the chance to answer the question whether IP address-related services would fall under liability exemption and really didn't answer the question, it just said, well, if such a service fulfills the condition of either mere conduit, caching or hosting, it can be exempted, but without really answering the question.

So the situation, we argue in our study, right now is fairly unclear as to where the DNS lies in this liability exemption regime in Europe. And we also said that this maybe should be resolved, and the question is then, where would this be useful to fall in, and what is the right box to put the DNS into?

In our study, we looked at proximity in several ways. For example, the business relation that services have with the provider of information, but also the technical proximity. And for the case of the DNS, while there might be a business relation, there's really a very remote technical proximity only.

And furthermore, also, if we look at the consequence of the liability exemption, so whether the intermediary needs to do something about illegal information, in the case of the DNS of course, there are massive proportionality issues. Not only is there low precision because when we

talk about a specific piece of information, it is not about the whole IP address or the whole domain, but also, the content obviously is not removed in the first place.

We argue in our study and have argued in previous research that the raison d'etre of Article 12 of the ecommerce directive, so mere conduit, probably suits the DNS scenario best, but it's really unclear whether and how Article 12 can be stretched right now.

So what we find in our study is that the current ecommerce directive framework in Europe addresses the transmissions in or the access to a communication network and storage. These are kind of the three different functions. But we point out that in relation to non-hosting functions, there is a significant gray area related to these auxiliary network functions, and these are in fact not transmitting or providing access but rather facilitating the communication of information.

And we think that is a gray area that should be addressed, because otherwise, if you think about the question of intermediary liability, really, the question is whether it makes sense that more remote intermediaries like hosting, like an online platform, would have a liability exemption, but the very remote intermediaries in relation to the DNS would not. This would of course make little sense.

We also point out that one needs to be aware of the potential spillover effect from the platform and hosting discussions since this is where the majority of the European policymakers' focus lies, but the infrastructure and DNS layer of course is something quite different.

So these are some of the thoughts of our study. Fast forward in December last year, the European Commission then proposed the Digital Services Act, a proposal for a regulation that would partly update this liability exemption framework. And I would briefly now comment on some of the proposed changes.

The first question is this question of scope, the question that I just addressed, whether these functions fall under the current liability exemptions or not, whether they are covered by this description.

And the Digital Services Act in Recital 27 in the proposal tries to address this in the following way. It reads that it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the Internet, including technical auxiliary functions, can also benefit from the liability exemptions, and they can do that in as far as they qualify as mere conduit, caching or hosting. And I will get back to that point in a second.

Then the recital also mentions a couple of specific examples, namely wireless local area networks, the domain name system services, top-level domain registries, certificate authorities, content delivery networks, etc.

So the first observation here is that the proposal for the Digital Services Act in fact addresses these auxiliary intermediaries regarding for example domain name system services.

Now, what this recital we think really says is that the liability exemption covers these intermediary functions in as far as they qualify as mere

conduit caching or hosting. And if we look at the definition of mere conduit caching or hosting, you will see that these are the definitions that already exist in the ecommerce directive, so the European lawmaker has not proposed major changes in that regime. And that's of course my feeling, that the legal certainty maybe is still not completely fulfilled, because the question is still whether then DNS service provider or function related to DNS would actually constitute a mere conduit service which ash to consist in the transmission in a communication network of information or the provision of access to a communication network. So there might be some uncertainty around that. But as a starting point and different to the current ecommerce directive, these services are directly mentioned in the recital.

And the ecommerce directive liability exemptions are more or less directly transferred to the Digital Services Act or proposed to be transferred, so that means Article 12 of the ecommerce directive on mere conduit and article 13 on caching are transposed also in the Digital Services Act. There would not be major changes.

One observation or addition that I would like to draw your attention to, however, is Article 6 of the Digital Services Act which stipulates what one could call a good Samaritan clause. This clause basically says that intermediary service providers shall not lose their liability exemption because they carry out voluntary own initiated investigations, because then they might not be seen as purely passive any longer.

And I think this is actually a point that might also be of interest to DNS service providers because it is not only about the online platforms where most of the discussion on good Samaritans is taking place, but it

says providers of intermediary services, so that would also be mere conduit and caching intermediate service providers.

This of course means that the European Commission or the European lawmaker seems to encourage that intermediaries do voluntarily more about detecting, identifying and removing access to illegal content from the Internet.

So the liability exemptions apart from that largely remain the same as we have now. The second big addition in the Digital Services Act are due diligence obligations that are proposed being introduced for different intermediary service providers.

These are asymmetric obligations that are the strongest for very large online platforms, quite comprehensive for online platforms, still a little comprehensive for hosting services, and the smallest amount of due diligence obligations for providers of intermediary services, which would be the remaining categories.

Since DNS service providers are not in the business of hosting with regards to the DNS-related functions, they would fall only in the outer bubble of this onion, the providers of intermediary services.

And these due diligence obligations relate to a couple of different aspects. For example, there would be a need to have a point of contact, there would be a need for legal representatives, there are reporting obligations, and there's also a rather interesting clause regarding terms and conditions. This is in Article 12 of the Digital Services Act proposal where it says that any intermediary service provider needs to, in their

terms of services, include information on how content is moderated, basically, and how information would be restricted. And this would be relevant potentially also for DNS service providers.

Even more interestingly in Paragraph 2 of Article 12—and this could be interpreted as a fundamental right assessment through a backdoor—it says that these providers not only need to inform about what they do but it also needs to be done in a diligent, objective and proportionate manner while keeping in mind the rights and legitimate interests of all parties involved, including the fundamental rights of the recipient of the service.

And this, I think, can be quite interesting in terms of some of the maybe voluntary activities we already see today by certain intermediaries in regards to information.

Then there are also quite a few additional due diligence obligations in the Digital Service Act proposed. For example, online platforms need to also provide a statement of reasons when they take down content or online platforms would need to have in place an internal complaint handling system. They would need to have a trusted flagger, trusted notifier regime, and there would also need to be certain measures and protection against misuse.

And these all only apply in the proposal only to hosting services or online platforms or the very large online platforms, but I think it could be interesting to reflect whether some of these might actually also be due diligence obligations that are relevant for non-hosting intermediaries or for all intermediary service providers, namely in the

instances when voluntary, something is done that resembles the obligations that a hosting provider would have.

That could be if a domain registry has a notice and takedown regime voluntarily in place that relates to content-related abuse but there is no requirement for a complaint handling system, or that could be the voluntary collaboration with trusted flaggers and notifiers which are now in the Digital Services Act for intermediaries, online platforms and large online platforms, [proposed regulated] but not for the other non-hosting intermediaries.

So these are some of the reflection points that I wanted to give you on the way for our discussion. In the study, we have been looking at the current framework and how it addresses these questions and where there are holes and open questions. We've put forward some proposals for how to address that. The commission of course in the Digital Services Act came up with its own proposal. and I think there is some interesting points for discussion in the ICANN community as to the role of DNS service providers in the European Union going forward and this intermediary liability framework.

And with that, I would thank you for your attention and hand it back to Sébastien.

SÉBASTIEN BACHOLLET: Thank you very much, Tobias and Sebastian, for this presentation. I guess now is the next speaker, and we will come back with the Q&A after the presentation by Elena. Elena, please take the floor. Thank you.

ELENA PLEXIDA: Thank you so much, Sébastien. Thank you for the very interesting presentation, Tobias and Sebastian. In fact, you will see some repetition in my presentation as well, maybe even some identical slides. The ones that are from the European Commission website [and such] would be the same. [And Gisella, I'll try my best to let Sebastian be the fastest speaker this time.] Next slide, please.

As explained already, the Digital Services Act is a proposal that will introduce new EU-wide obligations that would address how digital [intermediary] services are handling illegal online content. It rolls into the scope of enhancing of the existing obligations under the existing liability framework, it increases regulatory oversight.

The big change essentially will be on platforms, Amazon, Facebook, Google, Apple, and that is what is plainly attracting attention during the legislative debate that is now ongoing. As Sebastian also mentioned before, he referred to the spillover effect of the platform discussion, and that is something that we'll keep in mind as well as we try to engage and explain how things are for the DNS environment.

Now, importantly, similar to the GDPR, there is an extraterritorial effect. So, why should the whole ICANN community care about that? Because the DSA applies to intermediaries offering their services in the European single market whether they are established in or outside the Union.

As Sebastian mentioned earlier, it does not specify what illegal content is, but [inaudible] notice and action mechanisms. And again, as

mentioned before by Sebastian, it preserves key features of the existing liability regime. And [inaudible] as we'll see and as already explained I think very well by Sebastian, these are in our case what create some ambiguity [inaudible] clarity that is necessary. Next slide, please.

DEVAN REED: Elena, I'm so sorry to interrupt you but the interpreters are having a little bit of difficulty with the speed. Do you mind slowing down a little bit?

ELENA PLEXIDA: Absolutely. I will. Seems like I will win fastest speaker. All right. So the DSA applies to providers of intermediary services. [inaudible] cumulative due diligence obligations for providers of intermediary services. You have different tiers of requirements for different types of service providers, [it's this duty of scale] as was already presented before.

So in the very first tier, you have intermediary services in general. I copy pasted this particular slide. It comes from the European Commission website. I wanted to point you to it because already in the first bullet where you have the intermediary services overall, you have direct mentioning of domain name registrars. So you see the intention for them to be included there.

Then you have the hosting services who have other obligations, etc. and [inaudible] very large platforms. Different tiers of requirements for different types of service providers. Next slide, please.

And this is the same slide that Sebastian showed you before. In this slide, you can see better the cumulative due diligence obligations. What we care about is the far right, where you see all intermediaries' obligations. That is the obligations that DNS services will assume, assuming that they do qualify as intermediaries and therefore are under the DSA scope. And those DNS services, but also provider hosting services, also have to do extra what you see in the second column.

So we'll not repeat the obligations, Sebastian mentioned them earlier. Again, I will say that assuming that the DNS services qualify as intermediaries, therefore they're under scope, they will have to comply by these obligations [point of contact, etc.] Next slide, please.

Getting to the core of it, this is Recital 27. In contrast to the proposed NIS2 directive that we all know and we have discussed about as well, there is no definition of DNS services or DNS service providers under the DSA, which could clearly indicate their inclusion would be in the DSA scope of obligation.

It is a recital, Recital 27, the one Sebastian referred to as well earlier, that calls out the DNS. The wording of that recital may likely be interpreted at least at first glance as including DNS services as intermediary services within the scope of the DSA. It was read out before by Sebastian.

I would like to point your attention to the black letters that read, in Recital 27, to the extent that their services qualify as "mere conduits", "caching" or hosting services. This is very important. So why do we see Recital 27? As it was explained before, under the existing liability

framework, which as mentioned is not really going away, there is ambiguity already with respect to DNS in particular. There have been lengthy discussions and disagreements, I would say, on whether registries and registrars can benefit from the framework and therefore be exempt from liability or not.

So the European Commission tried to clarify with this recital. The intent is of course—with the current wording of this recital, it seems that an assessment of applicability is necessary for each individual DNS service to take the particularities of its DNS service into account and to see at the end if the objective of Recital 27 can be in fact achieved.

As mentioned, it needs to be noted that DSA does not define DNS services, so as to know which DNS services are targeted, we have this single recital. So again, it is NIS2 that defines DNS services, and there, in NIS2 definition, you find everything. Root servers, registries, registrars, [inaudible] everything. And while that definition is in another act, we cannot exclude it will be applied to interpret what is meant by DNS services in the DSA too.

And in fact, we do know that in the context of the negotiations that are going on, the examination, the Council is discussing the idea to refer to the NIS2 definition when it comes to DNS [services.]

That I think brings us to two open issues which are related, that you see in red there. Which DNS services are intermediary services? Registries, registrars, potentially ICANN Org itself? And then if they are

intermediary services, do they also qualify for the liability exemption? Next slide, please.

I was trying to explain a little bit more here. This is actually what was presented before by Sebastian. Under DSA, you have three categories of intermediary services, the mere conduit, caching, and hosting. So it is to those services or categories that it applies.

I will not go into technical details. That is not my field and I will not dare to do it. But I would only say that it is a stretch for many DNS services to fit in one of these categories. And this comes directly from our colleauges who are the technical experts here. Next slide, please.

So there, you have to start your assessment by, do the DNS services fit in one of these three categories? And then that is not enough. To qualify for the exemption of liability, they also have to qualify as information society services as set out in another directive. And you're seeing in the slide what information society services are, any service normally provided for remuneration, at a distance, by electronic means at the individual request of a user.

So in a nutshell, we have a regulation about how to handle illegal content, DNS service is seemingly included in the general scope of obligation, but with the risk that they're classified solely as an intermediary service while not necessarily qualifying for liability exemption since they may not necessarily fulfill the information society service [inaudible].

The whole situation does not sound very reassuring. There is an ambiguity and it does come from referencing back to the existing framework. The natural question that comes to mind, here is what would that mean, that DNS services would be liable for third-party content of the services although they're far away from content. And again, which DNS service are we talking about? Next slide, please.

I mentioned very fast before, but it would be the registries, the registration and operation of TLDs, the registrars, domain name registration services. It would also be ICANN Org's administration of the root zone itself, the root servers, of course, and any other DNS services [inaudible] resolution services.

So you see that we have an ambiguity that brings even ... possibly within the scope of obligations the root zone itself. It implicates the root zone itself. These issues, to my mind, [need to be clear] [inaudible] purely technical functions that are remote to content can have chilling effects on the way the Internet works.

Recently, before the summer break, maybe you noticed that the lower court of Hamburg in Germany issued an injunction against Quad9 seeking to block DNS resolution of domains used to host music content. The grounds for this injunction was that that resolution contributes to infringement of the applicant's copyrights.

To my knowledge, this is the first time a DNS resolver was implicated in content issues, and I'd say it sets a worrying precedent. For all these reasons, and because there will be definitely more legislation that will

most likely touch on the DNS in the future, and [we'll have to deal with content.]

An example that comes to mind is [anticipated] online child sexual abuse material proposal. For all these reasons, we—I can believe that the liability exemptions should be phrased more comprehensively so that DNS service providers have certainty on what are their obligations under the law, where do the liability fields end because it's not unconditional, to be sure that they can carry out voluntary activities aimed at removing illegal content without risking to lose the liability exemption under the new article 6 that Sebastian showed you before, to be sure that it will not have to monitor all the time the service looking for illegal content, etc. Next slide, please.

One last thing that I would like to share with you in the context of this discussion is another development that comes from the parliament. As you know, this proposal is now under consideration separately at this stage from the Council and the European parliament. So the European parliament in the context of its examination has introduced the requirement of identifying and collecting additional information on registrars of domain names. This is the so-called principle to know your business customer. That is something that was there in the Commission proposal, but what the parliament is suggesting is that it goes to every intermediary service, whereas in the proposal, it was only about online platforms.

Now, in the justification of this addition, they specifically reference registries, [inaudible] why registries and not registrars, but that might be

an omission or a lack of understanding of the exact role the registries and registrars play.

If that goes forward, it would mean that a provider—in this case a registry or registrar—will only be able to lease a business customer a domain name if he has before that obtained the name, address, telephone number, e-mail address, and importantly, a copy of the ID. If this information is found inaccurate or incomplete, then there must be taken steps to correct this information, and if not, the registrant apparently will lose their domain name.

And of course, also needs to be given access to this data as the law allows. Now, again, [inaudible], the parliament is saying that this should apply to all information [inaudible] services that could be used to provide illegal content. For example, domain name registries.

The provision, to our mind, requires clarification as to the proportionality of the measure and the consistency with existing [inaudible] legislation. [inaudible] legislation is NIS2. And referring to proportionality, I would say that there are concerns here about whether the measure is proportionate as to the purpose it's trying to ensure, which is contactability, what will be the effect on everyday citizens to engage online? If you need to be pre-authorized or pre-vetted to actually get your domain name, it is a much different situation than the one we have today. Authoritative regimes do it that way. So there are some questions there which of course belong to policymakers.

Thank you very much for your attention. I'll stop here and back to you, Sébastien.

SÉBASTIEN BACHOLLET: Elena, thank you very much for your presentation. I am sure that it adds to the previous one even if there were some cross-section, but that's normal when you talk about the same topic. It's two ways of seeing the situation.

I will give the floor to Joanna Kulesza and she will run the Q&A session. I am sure that she will do great. Thank you, Joanna.

JOANNA KULESZA: Thank you very much, Sébastien. Thank you to our presenters. That was really exciting. We already have some comments in the Q&A sessions. And we have wonderful attendance. Thank you, everyone, for joining us. I know we have cross-community participation looking at the participant list. But what I would love to do is hear from Tobias. Something tells me that Elena and Sebastian could carry on this conversation for at least another half an hour, but before I head into the Q&A session, I'm curious if the second of our invited panelists today who have worked on the report would like to add something or complement something or reflect something that was said thus far, and then we would move straight into the Q&A session.

Do feel free to raise your virtual hands. I see the questions popping up in the chat. We will start with these. But before we move into the Q&A session, Tobias, if you would be willing to share any thoughts that you

might have on these presentations, that would be most welcome. Thank you.

TOBIAS MAHLER: Sure. Many thanks, Joanna. One observation I have is perhaps that it's not so clear what would be an ideal strategy going forward for the domain name actors. In a sense, one could say that under the old regime, under the ecommerce directive, they were flying under the radar and they were not mentioned, not seen, not there. It was just assumed that they were not liable and that worked surprisingly well for 20 years.

So when we discussed our own report before the DSA was published, we were actually discussing also what would be a good solution forward, and should these actors just fly under the radar, not be mentioned, not be covered? That also means that you're not covered by the obligations because you're just not part of the act.

And in the end, what we thought was that perhaps it is better to have some clarity and be included in terms of liability exemptions but not necessarily be included with respect to too many obligations because these obligations will typically be used also to put some pressure on these actors. And that will to a certain degree go in the direction of limiting freedom of expression and so on.

So what we suggested was actually to have a slightly different law in which intermediaries as such would be defined and where they would

include also domain name system actors and then have liability explicitly exempted for them.

Now what the commission has proposed seems to be something in-between. The domain name sector actors are not mentioned as such in the actual obligations, they're only mentioned in the recitals in terms of also being able to claim these liability exemptions. So in a sense, they are partly flying under the radar but then can perhaps use that argument from the recital saying that, oh, but we can also claim liability exemption for us.

Now, whether that is a good solution is obviously something that can be discussed here today, because the situation hasn't been really clarified so it will really be up to future court decisions to clarify the situation, which creates some uncertainties and also, we don't really know whether those will be good balanced decisions or not, depending also in what specific context the issue arises, and then the judges will take perhaps one or the other position depending on the respective case they are focusing on.

So I think we would have preferred a clearer solution to this just giving a liability exemption to domain name system actors. But I do know that many in the industry actually would have preferred to just fly under the radar. So I think perhaps I'll leave it at that and then we can open up for discussion.

JOANNA KULESZA: Thank you very much, Tobias. We do have a few comments and questions in the chat. What I think would make sense is for me to go through these. I'm not seeing any hands raised at this point, so what I'm going to do is go through the comments and questions, then I'm going to give the floor back to Sebastian and Elena to comment or give us answers. These have partially already appeared in the chat. So we will take another round of comments from our presenters, but if anyone has a direct comment they would like to share, do feel free to raise your virtual hands and grab the mic.

We have a comment from Wolfgang Kleinwaechter. Thank you for joining us tonight. “The ambiguity is that the EU supports the multistakeholder model by lip service but undermines it by its regulation.”

Alfredo Calderon notes—thank you for joining us this evening—"The more I hear the conversation it sound like a ‘Big Brother’ watching over every traffic on the Web.”

Wolfgang’s comment again, “EU president von der Leyen did propose last week another ‘European Cyber Resilience Act’ to enhance cybersecurity.”

And here we have a question to our presenters. “Will this have any consequence for ICANN?” I would assume we might want to see the draft, but if our presenters wish to comment, that would be most welcome.

Steinar asks, “Is there some definition of the illegal content in the DSA?” And Sebastian refers to a quote from the DSA. I'm going to give you the floor again, Sebastian, if you would like to elaborate or reiterate, especially since Steinar has a follow-up question. “Is it the registry or the registrar to detect and define illegal content?”

And do keep in mind we are talking about the DSA in the context of DNS abuse. That does include copyright violations. And I love the case law example that you guys shared that clearly links DNS services with copyright protection, something that we have had in the DNS abuse policies for quite some time.

Elena responded to Wolfgang, “We do not know yet whether the new European cyber resilience act has impacts for the ICANN community, but I would not be surprised if that was indeed the case.”

And then last question, should our panelists be willing to answer, as to the issue of punishment fits the crime, asks Glenn McKnight, “What is the legal sanctions against those who are not compliant and is the guidelines valid to a non-European website?” As already noted, although this is a EURALO roundtable, we do welcome participation also from non-European end users. We are seeking an end user perspective to these advancements.

I'm going to start, as promised, with Sebastian and then give the floor to Elena. Sebastian, do you have any comments that you would like to share on these questions or on the feedback we've received thus far?

SEBASTIAN SCHWEMER: Yes. Thank you very much. There are some really interesting questions. I am not qualified to answer all of these and I won't try. Let me just quickly comment—just a few observations. Wolfgang Kleinwaechter mentioned that this is a lip service to the multi-stakeholder model. And I'm not quite sure as to the considerations. Maybe you want to expand on that a little bit. I'm not sure where the influence over the multi-stakeholder model as such comes with the Digital Services Act. this also relates a little to Steinar's comment.

So the important question here is twofold: one aspect relates to intermediary liability. Are DNS service providers—right now, the Quad9 case in Germany, so regarding DNS resolvers, but think also about the content delivery network cases both in Italy and Germany involving Cloudflare. Is there a liability exemption available for DNS service providers? This is the one question.

The second question is these DNS service providers being part of this very broad notion of intermediaries or information society service providers. What would be the specific obligations to do whatever? And an Internet access service provider does not have an obligation to look for illegal content and block it, so this question of the illegality assessment is maybe not directly popping up in relation to these due diligence obligations, I think. So that may be on that aspect as to kind of the scope of this proposed framework.

But Elena, maybe I would give over to you and I think you might have some good insights as well.

ELENA PLEXIDA: Thank you, Sebastian. And Joanna, if you don't mind, I'll just continue from here. Yes, I'm not qualified to answer some of the questions or maybe all of them either, and I won't t registry either. But I would like to share some thoughts if possible.

I do agree with what Tobias said earlier. Strategizing about how to address this is not a clear cut way forward. So it has been going okay for the last 20 years, but it seems like this is about to change and I don't think it would be ideal if in the future we'd have to rely on court jurisprudence every time to see whether there is a liability exception or not and [inaudible] obligations, whether they were upheld or not.

Moreover, what I'm more concerned about is that there will be definitely more regulation to come from the EU arena for sure, and globally, but I'm talking about the EU that exports legislation lately. And I would hate us to find ourselves in a situation where we have to run after every regulation because we didn't get it right in this one, in the DSA, so that we explain over and over again what different services do, what they can and cannot do. So to me, it is very important that we get it clear now.

You might have seen from the community and others that are not directly in the community but [inaudible] DNS environment, there was a discussion about maybe whether it would be a good idea to propose a fourth category. I would say personally, I'm not convinced, although I

could be convinced, but there comes what Sebastian was talking about, about the spillover effects of platforms [inaudible] discussion.

The DSA is a regulation that is polarized and will be polarized, and it is heavily about platforms. So you have to find a way to discuss this particular issue, which is [inaudible] when it comes to what legislators are discussing, without getting caught [inaudible].

Maybe what Tobias mentioned earlier, a clear cut exemption would be a good way forward if possible. Now, if the DSA undermines the multi-stakeholder model, I don't see a particular [inaudible] at least not the way it is now.

If we have a good result—and that is we know which DNS services are included, we know [inaudible] liability and would know that if they undertake own initiatives, such as the ones the ICANN community discusses, they would not lose the liability exemption. That would be a nice field, if you will, for the ICANN community to do what it is there to do. I hope that will be the answer. That's it for now. Thank you so much.

JOANNA KULESZA: Thank you, Elena. Go ahead, Tobias.

TOBIAS MAHLER: Thanks. I just wanted to briefly comment on the question on the new law that was mentioned last week by Commission President von der Leyen on cybersecurity for connected devices. I guess that this will not be directly related to ICANN as such because this is very much

about let's say you have a robot and that robot could be hacked. I just wrote a paper on this if you're interested. So I think it's an interesting law and I look forward to that coming since I just asked for this law to be written.

So that's a different story and I think it's not really related to the Internet as such but more to connected devices which may obviously use some IP addresses, so you could have some remote connection, you could have the robot that is hacked and running around and making damage, but I think then we are quite far away from what we are discussing here.

So back to the main question, one consideration, if there was a fourth category, if there was a category saying that yes, directly focusing on other intermediaries which are more remote, the problem is that perhaps if one chose that solution, one would also at the same time acquire more of these obligations, and t hats perhaps not something that is really desirable for DNS intermediaries.

One comment to Wolfgang who also raised his hand—I look forward to hearing why you think this is against the multi-stakeholder model. I would say that from my perspective, it's clear that ICANN is an organization that should not deal with content, but someone has to deal with it. So under member states' or national laws, someone has to deal with illegal content and then it is good that there are liability exemptions for DNS actors. So clarifying these liability exemptions is actually something that is in a sense supporting the idea that ICANN can say, okay, content issues are not really for us to deal with. But of course, I

agree that t her er steps before we actually have a good solution there. But I look forward to what Sebastian and Wolfgang have to say there.

JOANNA KULESZA: Thank you very much, Tobias. I am indeed going to give the floor to the two gentlemen you mentioned, in the order of them raising their hands, and I also note the question from Samwel. With your permission, Samwel, I'll get back to that question when we seemed to cover this more of a policy or political thread covered a little bit. So I'll give the floor to Sebastian, then I'm going to give the floor to Wolfgang. I see Elena's hand going up as well. And then I'll try to initiate another round of questions starting with a very good question, by the way, Samwel, thank you for posting that, and we'll take another round of questions. Sebastian, Wolfgang, and then Elena. Thank you very much.

SEBASTIAN SCHWEMER: Thank you very much. And I keep very brief because I'm also very interested in hearing Wolfgang's thoughts. I just wanted to stress another fact, and that is the following. So one question is the situation of the legal obligations, what to do about illegal content and whether there's liability, whether there are obligations.

That's the second thing though, the second aspect, and that is what are different intermediaries across the whole variety of intermediaries voluntarily doing to enforce content. And the DNS layer is a very strong layer in that respect that can be used and is used. There are trusted

notifier models with rights holders, with other organizations that are not very transparent.

So in many ways, while it is very important to keep in mind that the spillover effects need to be kept away from platforms where it is about the platform's obligations, at the same time as a researcher I would very much appreciate if the DSA would be stronger and say if an intermediary—whoever it is, whether it's a registry or a platform, when that intermediary decides to use automation algorithms to figure out if there is illegal content, whether it decides to have trusted notifier models in place, whether it decides to have a notice and action mechanism in place, then these due diligence obligations maybe should also apply to them.

Now, why is that? Well, it's not because I want to even put all these obligations on an axis, it's because otherwise, I would feel that the market would react in a way where you actually go to the actors that are the least regulated because that is where you have the biggest leeway. So that's maybe just a point for your discussion internally as well in terms of looking at the voluntary part of content moderation. And lastly, importantly, the ecommerce directive was in place for 21 years, still working fairly well. The Digital Services Act might as well. So how will the Internet look in 20 years from now, and what will the role of the DNS be? And these are the questions that kind of need to be addressed now in order to make this future proof. Thanks.

JOANNA KULESZA: Thank you very much, Sebastian. And this links to our DNS abuse policies of voluntary monitoring for illicit activity. Wolfgang and Elena, go ahead.

WOLFGANG KLEINWAECHTER: Thank you very much, and thank you to the speakers for interesting input. I think Tobias mentioned the [inaudible] when he said it depends from the balancing and the context and so it depends from individual cases. And when he said it worked for 20 years flying under the radar, now probably the environment has changed and so we have to face a new reality and we need clearer legal rules.

So I accept all this. My question to Tobias is, do you see that the proposed legislation now in the EU meets the point and finds the right balance? So what I see is sometimes—and that's why I say lip service to the multi-stakeholder model and undermines it by a concrete act, the problem I see is basically, I understand the commission's approach where von der Leyen always says Europe wants to be a norm maker and not a norm taker. So they have realized that Europe is sandwiched between the US and China, and the big point Europe can make is by regulation. And they are encouraged by the GDPR which has a worldwide effect and even China has now [stole] some of the elements of the GDPR in its new privacy law, and now it continues.

But the process of policy development, as we know it from ICANN as a bottom-up process, within the EU, sometimes it's more like a top-down

process. And the understanding in the EU is if we consult with the member states and with the European parliament, that's already okay.

So I do not see really that the European Commission exercises what it preaches. So in all international meetings, the European Commission supports the multi-stakeholder model, but if it comes to development of all these new legislations, I do not see a process which can be compared with the PDP processes within ICANN. So that's a little bit my problem with the European legislation. Basically, I support this approach and I think this is a good approach. So that means Ms. von der Leyen and Ms. Vestager, we have now good champions in policymaking on the global level.

But my question to Tobias is, do you think that they find the right balance? Because what I see—that's my final point—that some other, more autocratic countries like Russia or China are now all are referring to the European regulation coming with totally different models, and say, "Okay, we just copied what the Europeans have said" and their activities are against, let's say, the multi-stakeholder model and the open and bottom-up processes we have in Internet governance.

So probably Tobias can comment on this.

TOBIAS MAHLER: Thanks, Wolfgang. Great to hear you again. So first point, on the lawmaking style, obviously, this is different from policymaking in ICANN. So the EU has its own peculiar lawmaking process which does involve some consultations. So there was a consultation in advance of the

Digital Services Act where one could voice opinions and also once the act was proposed, there was a mechanism to feed into the process.

But then it's correct, it will be a trialogue between the European Commission which is the executive, and then the Council which are the member states, and the parliament. So that is less participatory than we have in the ICANN context, certainly.

I'm not sure if the full multi-stakeholder rollout in the EU would work. That would be an interesting experiment. And then on the question of balance, I think that as I indicated, one could perhaps have gone a little further and clarified these things, and that would have, at least if the clarification had been in the way I wanted—and Sebastian and I suggested to the commission—then I think one may have perhaps had a little bit clearer bottom line saying that yes, there is a liability exemption for these actors, the DNS actors, and there is a good reason for that because as Sebastian mentioned in his talk, it is often not proportionate to address the DNS actor. The DNS actor is likely to overreact because it only has very few measures available to deal with illegal content. So it's not a very good actor to target.

So I think for now, more clarity would have helped, and that would have also perhaps led to a little bit better balance.

JOANNA KULESZA: Thank you, Tobias. I'm going to give the floor to Elena who has raised her hand quite a while back, and then I'm going to take the questions

from the chat. I'm going to add a few on top of it myself. But Elena, the floor is yours. Go ahead.

ELENA PLEXIDA: Thank you so much. I wanted to come back, actually, to what Wolfgang was saying about the multi-stakeholder model and the legislation even before Wolfgang intervened. [inaudible] I see his point, he's right to a certain extent or from a perspective, if I can put it that way. So it is a fine line. We—ICANN community—cannot make policies to give ourselves an exemption from liability. That's international law and we should not be expected to produce such a thing. Neither is it our place. That's fair and square.

On the other side, we do produce policies about how to manage the Internet's unique identifiers, and more specifically, the DNS. That part, there are some thin lines that at times seem like could easily be crossed. Talking about the DNS. I mentioned before that there is no definition. It is very likely that the NIS2 definition would be picked up. And anyway, when you talk about DNS services, you could also be talking about the root. The root is something that is being managed by the multi-stakeholder model intentionally for the good reasons we all know.

If one jurisdiction—even if it is friendly and comes with very good intentions—imposes obligations on the management of this root, what is there to stop others from imposing their own, other jurisdictions, other obligations? That is indeed, I think, the start of the [inaudible] of the multi-stakeholder model if you have one [the] root that is supposed to be managed by the multi-stakeholder model to be under different,

maybe competing, jurisdictions and obligations around the world. So there, I think I see eye to eye with Wolfgang.

I see that in NIS2, the European Commission is very much insisting on regulating the root servers. That's very clearly written there. And here, to the extent that it is not clear whether they're in or out or in what way. Thank you.

JOANNA KULESZA: Thank you very much, Elena. I am enjoying this conversation too much, and I've not been very mindful of the time. We do have one more agenda item, which is a summary by Máté who's become a professional in doing summaries for our roundtables.

But before we do that, I'm going to go through the questions and comments we received in the chat also for translation purposes. I'm going to give the floor to our speakers for a brief summary or just responses to the questions and comments we have. And I'm going to ask you, our speakers, to give us a final thought, to leave us with an action item, why should end users care about this one specific piece of European legislation? Is there something we could do to make it better, to support the multi-stakeholder model, which I think has brought us all here to ICANN meetings on relatively late European Tuesday evenings?

But first I'm going to go through the questions and then I'm going to go to our speakers for a summary or response. The first question, the promised one from Samwel, very straightforward but I believe with great implications. "Are these acts applicable only to EU member

states?" I believe you guys indicated the trans-boundary effects these might have, but that is a very relevant question, so if you would like to reiterate why non-Europeans might want to have a look at these regulations, that would be wonderful.

We have a comment from Gopal, "Digital Millennium Copyright Act protects both copyright owners including the creators of the content and Internet Service Providers. Is it the potential impact rather than what is obviously illegal that is the concern?" Thank you for that question.

And we have a comment and a question from Roberto Gaetano. "Agree with Wolfgang that the EU is only verbally embracing the multi-stakeholder model, but can you name a government that fully endorses it in the facts, including the legislative process? It is in the nature of governments, and the Commission is no exception."

I do welcome the presence of our GAC chair tonight with us here. And we also have, as we already said, other communities represented here. For the sake of time, trying to keep us on track, I'm going to give the floor to our speakers in the order of appearance, so to speak, with a request for a summary, a response of roughly two to three minutes if you'd be willing to do that. I'm going to try and wrap up this open debate section and hand the floor back to Sebastian after that.

Sebastian, if you would be willing to address the questions, concerns, give us your final thoughts for us end users to carry on with us into

ICANN policy development processes, that would be most appreciated. Go ahead.

SEBASTIAN SCHWEMER: Thank you so much for those excellent questions, and also thank you so much for inviting us. I really enjoyed this session. There were some fantastic comments and questions. How to summarize?

Well, first, I feel I need to briefly comment on the lawmaking process. So in Europe, for some time, there's been a better regulation framework, new governance, so it's a mode of regulating which actually not only has laws—and that is, I think, very important to remember. The European Commission can also issue guidelines, they can work with recommendations, nonbinding tools that also actually have predated this Digital Services Act proposal. And there have been multiple integrations of stakeholders along the way. Then of course, the democratic legitimacy process in Europe requires that these regulations go through the Parliament and Council and then in the trialogue involving also the Commission.

So this is different than the multi-stakeholder model, but still, there is, I think, a very broad integration of various voices in this process. Now, why is this of interest? And this relates to the geographic question more. This regulation would apply to all service providers that offer services to Europeans. And potentially—I don't know whether it's the same as Brussels effect that we're talking about with the GDPR or even the AI

act, but nonetheless, this is really relevant because it is dealing with a European Internet regulation.

This is also—and I think this needs to be stressed, the Digital Services Act, I feel a little sad on the inside as a researcher because there's a beauty in principles and general rules, and then details being regulated somewhere else, maybe within ICANN. So don't call for this very specific regulation of what DNS service provider is covered and what is not, because that might change over the next 20 years. What is important is to discuss the principles behind why are certain service providers exempted and what is the right balance regarding their obligations going forward. Also to keep in check the different influences over pushing DNS providers more in the direction of policing content, whether it's member states, national governments or private parties.

So my call to you would be this is at the very heart and core of EU Internet law, these are the very basic foundational principles. It's very important to discuss these, not only in Europe but also abroad. These discussions will maybe also influence discussions in other countries. And that's, I think, [inaudible] quite important that you get involved with your respective inputs. This will still be negotiated for some time, I assume, so yes, that is my conclusion, I think. Thank you so much again.

JOANNA KULESZA: Thank you very much. Elena, if you would like to give us your recommendations. And I do understand the [mandate you counter with,] but just your thoughts off the record. Thank you.

ELENA PLEXIDA: Okay. Some final thoughts. To be fair to the EU and lawmaking in EU, they're very inclusive. You have many opportunities to take part in a consultation. They're open to contributions, open to discuss, open to explain how things work. And let's be fair, this is part of why we're discussing this now here, and we're also thinking, is there something that we can contribute to the DSA discussion?

In other cases, other jurisdictions, that might not be possible. It might just be a discussion where we say, "Okay, this is happening there." [inaudible]. And I think that the intention is good, as mentioned earlier. Sebastian was talking about the principles. We see that the commission has the intent to say we kind of understand where you are, what you're doing, maybe you should be exempt from liability.

The question here is rather a drafting question. I hope [inaudible] explaining it and getting it right, because others said it before and I'll say it again, I would hate the ICANN community to run behind regulations from now on, in the future, and explain over and over.

Why the end users should care, your question. So I think this example we mentioned before about Quad9 is a bit telling. DNS resolvers [as a rule] are not-for-profit, they operate on a voluntary nature. Imagine the chilling effect on how the Internet works today if these providers or similar were to think that, oops, we are exposed to liability, we need to hire an army of lawyers, we need to monitor content. I'm now [inaudible] but I'm saying an example.

And also, what about disproportionate requirements that were mentioned before that would have effect on freedom of online expression? That's why I think end users should care, because you want an Internet that would be inclusive and continue to be like that. Thank you so much, Joanna, and thank you so much for inviting me. This has been a very interesting discussion. Thank you.

JOANNA KULESZA: Thank you for being here. Diplomatic as always. Wonderful. Thank you. Tobias.

TOBIAS MAHLER: Yes, I must very much agree with the previous speakers on why the end users should care. If these DNS actors are exposed to liability, then they will act because there's an incentive to act and they will start limiting the freedom of the Internet users in some way. So having some type of liability exemption in place is really crucial there.

I wanted perhaps to conclude with what you should watch out for in the remainder of this negotiation, because as Sebastian explained, this is a proposal. So the EU commission has made a proposal. Now the parliament is working on this and then the member states, the Council will be working on it and there will be compromises, there may be changes.

And at least I am interested in seeing whether there will be any change to the basic definitions in terms of having a new category of actor,

intermediary which would cover these for example DNS and IP and ICANN providers.

So something like that would be interesting, and also, then whether that solves some of the issue that we have today that DNS providers are somehow covered but only to the degree they are hosting providers, to the degree they do caching or mere conduit, which they don't do that much, to be honest.

So solving that issue, whether that is solved during the lawmaking process, is an interesting question, and then as Elena mentioned, the issue of new obligations coming into the process where [inaudible] apparently being negotiated in the parliament, there might be new ideas for what other obligations we should put on these actors, in particular the DNS actors, that would be registries and registrars. Something like that will be very important to look out for in the remainder of the process. And thank you very much for having us.

JOANNA KULESZA: Thank you very much for being here. I'm going to hand the floor to Sébastien and apologize to Máté for cutting his summary time short again. It's all my fault. I apologize. Sébastien, over to you. Thank you, everyone, for being here with us this evening.

SÉBASTIEN BACHOLLET: Thank you, Joanna. Thank you to the speakers. I will be short. But really, Máté, I am sorry what is happening, but we will try to be better in the future. I just wanted to give you four sentences.

The first one is the next monthly roundtable will be the 16th of November at the same time and will be around encryption challenges in the European regulatory space, and with some example of the French and it will be done by one of our participants today, Lucien Castex from AFNIC. And if you have other people you think could be interesting to have on this specific topic, just let me know.

The second sentence is about ICANN meeting 72. We will have three policy sessions and two are run by our colleague from EURALO, and I think it's important if you can join us to this. The first one will be on Monday, 18th, will be run by Jonathan Zuck from North America and it will be around unfinish business, closed generics. The one on the 19th will be run by Joanna Kulesza and will be also about tackling DNS abuse. It's a continuation of what we are doing here, I'm sure.

And the third one will be ICANN accountability and transparency and the ICANN reviews. I will try to run this session. Thank you very much for your participation, thank you to the people from the other side of the world, thank you to the people from the other constituencies. It's nice to have you with us. I hope you enjoyed. And Joanna, thank you for organizing all of this. Thank you to the speakers. And I guess I need to say thank you to the fellows. That's important. And thank you to the ones who helped them to participate.

Have a nice, evening, day, night, and talk to you soon. Bye.

DEVAN REED: Thank you all for joining. Have a wonderful rest of your day.

[END OF TRANSCRIPT]