

Zoom chat: Tuesday, 15 June 2021 - At-Large Policy

Session 3: GDPR as a technology - policy implications

00:32:58 Emma CANER (OVHcloud): Hi All, from France :)
00:33:12 Reg Levy - Tucows: Hi from the Internet!
00:33:24 Bikram Shrestha - Nepal Internet Foundation: Hello and Namaste from Nepal
00:33:28 Sébastien Bachollet: Hello Emma and all the other participants
00:33:48 Adrian Carballo: Hello everybody!
00:34:09 Jonathan Zuck: @Reg, have you gone full virtual and merged with the net?
00:34:23 Fatimata Seye Sylla: Hello everyone
00:34:47 Michelle DeSmyter - ICANN Org: Hello, my name is Michelle DeSmyter and I will be monitoring this chat room. In this role, I am the voice for the remote participants. Please note that I will read aloud comments/questions submitted in English within the time set by the Chair of this session.

When submitting a question or comment that you want me to read out loud on the mic, please start with a <QUESTION> and end with a "</QUESTION>" or <COMMENT> </COMMENT>. Text outside these quotes will be considered as part of "chat" and will not be read out loud on the microphone.
00:34:59 Michelle DeSmyter - ICANN Org: To listen to the interpretation, please click on the interpretation icon in the Zoom toolbar and select the language you will listen to and/or speak during this session.

This session also includes automated real time transcription. By clicking on the "closed caption" button in the Zoom toolbar you can view the real time transcription. This transcript is not official or authoritative.
00:35:07 Michelle DeSmyter - ICANN Org: Please note that chat sessions are being archived and follow the ICANN Expected Standards of Behavior: <http://www.icann.org/en/news/in-focus/accountability/expected-standards>.
00:35:17 Reg Levy - Tucows: @Zuck, location is unimportant in virtual sessions
00:36:06 Narayanaswamy Baluswamy: Good evening to everyone from India.
00:36:46 Jonathan Zuck: @Reg, hmm. I guess folks are still interested in where people are, showcasing geographic diversity, etc.
00:37:15 Dave Kissoondoyal - ALAC: + JZ
00:37:18 Reg Levy - Tucows: @Zuck totally fine :) I'm interested in showcasing that I'm here from the Internet and here to help!
00:37:27 Reg Levy - Tucows: not denigrating anyone, just greeting them
00:38:54 Olivier MJ Crepin-Leblond: the red card hurts my eyes :-(
00:39:21 Narayanaswamy Baluswamy: Ellorukkum Vanakkam from Tamilnadu, India
00:46:37 Kohmanyuk, Dmytro (RIPE NomCom): is this just me or the reading faster from slides does not help comprehension?
00:48:28 Kohmanyuk, Dmytro (RIPE NomCom): this slide could have used some enlarged icons and text :)
00:50:01 Reg Levy - Tucows: ICANN is the central gateway manager? I thought they were going to outsource that
00:50:44 Michelle DeSmyter - ICANN Org: Reminder, when submitting a question or comment that you want me to read out loud on the mic, please start with a <QUESTION> and end with a "</QUESTION>" or <COMMENT> </COMMENT>. Text outside these quotes will be considered as part of "chat" and will not be read out loud on the microphone.
00:50:50 John McCormac - [HosterStats.com](https://www.hosterstats.com): Should people worry if ICANN is running this rather than outsourcing it?
00:51:16 Kohmanyuk, Dmytro (RIPE NomCom): i mean those are important details and the small font does not help at all
00:51:25 John McCormac - [HosterStats.com](https://www.hosterstats.com): (Does it have the inhouse expertise to run this kind of operation?)
00:52:23 Vanda Scartezini - Brazil: sorry to enter a bit late.
00:52:50 Kohmanyuk, Dmytro (RIPE NomCom): <question> what is wrong with regular q/a window? </question> (are we using HTML or XML?)
00:53:18 Reg Levy - Tucows: <question> what is "fraud" considered to be in this context? </question>
00:53:45 Chokri Ben Romdhane: <QUESTION> What will be the role of ICANN community in the SSAD Implementation phase? and who ICANN will manage to collect necessary implementation funding? </QUESTION>
00:53:53 Kohmanyuk, Dmytro (RIPE NomCom): one have to define "business day" based on country. Say, in UAE Sunday is one.
00:54:21 Kohmanyuk, Dmytro (RIPE NomCom): but of course we know that whole world uses American calendar...
00:54:31 Reg Levy - Tucows: @Dmytro I believe it is local to the data custodian (registry or registrar)
00:55:15 Joanna Kulesza: Thank you for your comments and question @Dmytro - please kindly confirm this is a question for Hadia?
00:56:02 hadia Elminiawi: Thank you
00:56:30 Wafa Dahmani: thank you Hadia that was very informative
00:57:16 Vanda Scartezini - Brazil: thank you hadia for all work you have done
00:57:46 Harold Arcos: thanks @Hadia,, useful presentation,,
00:59:06 Roberto: whatever is free cannot be legal advice, by definition
00:59:17 Roberto: regardless the jurisdiction
01:01:16 Bill Jouris: @Roberto, and yet I see cases of lawyers donating their services. How is that not free?
01:01:44 Reg Levy - Tucows: @Roberto if that is a joke it is a hilarious one but it's not true
01:02:17 Roberto: It was indeed intended as a joke
01:02:23 Reg Levy - Tucows: <3
01:02:52 Holly Raiche: Agree with Bill - a lawyer can choose not to charge - it's call pro bono and many Australian lawyers take on matters pro bono
01:04:23 hadia Elminiawi: Thank you all for all your support
01:04:37 Chokri Ben Romdhane: Congrats Hadia for the presentation please consider my question <QUESTION> What will be the role of ICANN community in the SSAD Implementation phase? and how ICANN will manage to collect necessary implementation funding? </QUESTION>
01:05:27 Joanna Kulesza: Thank you for you question @Chokri, it is noted, we will come back to it in the Q&A session.
01:09:17 hadia Elminiawi: @Reg Levy : health care frauds during the COVID pandemic are good examples of that
01:11:43 Holly Raiche: That is a really important question he is asking
01:12:15 Mieks Twumasi: Thank Jan for the presentation. I think the time allocated for each presentation is quite short hence some presenter will run us through the slides too faster and it makes it a bit challenging to follow and grasp the concept. Thank you.
01:12:23 hadia Elminiawi: @Chokri usually community members interested in participating in the implementation can join the implementation review team
01:13:20 Roberto: Quite complicate matter - thanks @Jan for making it understandable
01:13:33 James Galvin (Donuts): Is there a reference to the patent, number or name?
01:14:07 DANIEL K. NANGHAKA: @Hadia kindly share link to the implementation review team
01:14:08 Joanna Kulesza: It is in the paper linked to our agenda, will add it here as well @James
01:14:46 James Galvin (Donuts): Thanks.
01:15:16 Jan Janssen: @ James: US Patent 10,979,384
01:15:28 hadia Elminiawi: @Chokri in relation to the costs - in order to implement any system you need first to make a cost benefit analysis before looking into who will bear the costs
01:15:30 Joanna Kulesza: <https://domainnamewire.com/wp-content/verisign-privacy-granted.pdf>

01:16:54 hadia Elminiawi: <https://www.icann.org/resources/pages/registration-data-policy-gtlds-epdp-1-2019-07-30-en>

01:17:14 Jeff Neuman: Trademarks are not just relevant in the commercial context. Yes, the marks need to be used in commerce, but that includes many of the activities of noncommercial organizations.

01:17:40 hadia Elminiawi: EPDP Phase 1 Implementation status <https://www.icann.org/resources/pages/registration-data-policy-gtlds-epdp-1-2019-07-30-en>

01:18:26 Joanna Kulesza: For presentations and references please see our Wiki: <https://community.icann.org/display/atlarge/At-Large+Meetings++Tuesday%2C+15+June+2021>

01:19:28 Reg Levy - Tucows: the [booking.com](https://www.booking.com) decision was a terrible day for trademark law

01:21:02 Dave Kissoondoyal - ALAC: Holly Presentation - <https://community.icann.org/display/atlarge/At-Large+Meetings++Tuesday%2C+15+June+2021?preview=/164628071/167542838/auDA%20%20-%20%20Read-Only%20Holly.pdf>

01:21:17 Jan Janssen: Hi Reg: the decision approximated US case law to EU case law, I think.

01:21:25 Reg Levy - Tucows: the UDRP process was not changed post-GDPR: registrars will provide the private data to the panel directly

01:21:26 Lori Schulman: An easy thing to remember about differentiating trademarks from patents is that trademarks are source indicators for good or services. Patents protect the underlying the invention. For example, a patented invention like a medicine or a machine typically has a trademarked name in front of it.

01:22:56 Michelle DeSmyter - ICANN Org: Reminder, when submitting a question or comment that you want me to read out loud on the mic, please start with a <QUESTION> and end with a </QUESTION> or <COMMENT> </COMMENT>. Text outside these quotes will be considered as part of "chat" and will not be read out loud on the microphone.

01:24:03 Jonathan Zuck: I wonder if the [booking.com](https://www.booking.com) TM would somehow prevent a [booking.travel](https://www.booking.travel) domain from being issues, or even a [booking.travel](https://www.booking.travel) TM

01:24:29 Lori Schulman: Some domains, over time, have evolved to be legal source indicators if consumers recognize the name and the good or services being provided under that name. This is what the [booking.com](https://www.booking.com) decision confirmed. Whether that is good or bad for domain names or commerce in general is always subject to debate.

01:24:53 Lori Schulman: @Zuck -- great question. Typically, a mark like that would have a very narrow scope of protection.

01:25:18 Cheryl Langdon-Orr: noted @Lori

01:25:32 Jonathan Zuck: If it actually does remain narrow, I don't understand the harm but I'm no expert

01:26:37 Jonathan Zuck: But if some sort of "leakage" occurs, allowing [booking.com](https://www.booking.com) to prevent other booking related sites from coming into existence then that seems like a BIG problem

01:27:13 Dave Kissoondoyal - ALAC: Distinction between MAY and SHALL in law

01:28:32 alberto soto: +1 Dave

01:29:56 Mieks Twumasi: Greetings everyone, I am Mieks Twumasi from Ghana, a Fellow of Ghana School on Internet Governance (GhanaSIG), I am glad to join ICANN meeting as a newcomer.

01:30:19 Dave Kissoondoyal - ALAC: Welcome @Mieks

01:30:29 John McCormac - [HosterStats.com](https://www.hosterstats.com): Thanks Hadia

01:31:05 Reg Levy - Tucows: XML

01:31:13 Wintima: Greetings from Ghana. I am Hannah Wintimatse Abugri, a Fellow of Ghana School on Internet Governance (GhanaSIG) and am glad to join ICANN meeting for the first time.

01:31:32 Jonathan Zuck: Q&A window, in Zoom, is only in webinars which have a lot of chat limitations, etc.

01:32:27 Emma CANER (OVHcloud): @Hadia - I have a question, when do you think we will have an implementation date for SSAD?

01:33:12 Reg Levy - Tucows: thank you, Hadia, that's helpful context

01:34:03 Dave Kissoondoyal - ALAC: We have very good attendance for this session

01:34:46 Chokri Ben Romdhane: Thank you Hadia for your great efforts.

01:35:47 Emma CANER (OVHcloud): Thank you Hadia :-)

01:37:07 Sayed: What constitutes illegal practices from registrars?

01:37:36 Solomon Sobeng: Greetings from Ghana, my name is Solomon, a new member of EGIGFA ALS. This happens to be my first ICANN meeting. Glad to be here.

01:38:21 UNICEF1 _ Stephen: Greetings from Ghana, my name is Stephen Nana Owusu-Addae, I am a new member of EGIGFA ALS. This is my first ICANN meeting. Happy to join.

01:40:09 Michael Ahoritor Faraday: <QUESTION> To Hadia, as to the healthcare fraud during the pandemic, who was responsible for taking the websites down.</QUESTION>

01:41:46 Ken-Ying: I missed the part of Jan's presentation. How would Verisign license the patent to ICANN members? Can each registry obtain it for free or at a low cost?

01:42:07 hadia Elminiawi: @Michael I believe by law enforcement agencies

01:42:41 Sayed: I seriously doubt Verisign will bend.

01:44:42 Joanna Kulesza: Thank you for answering @Michael's Q in the chat @Hadia

01:47:08 Theo Geurts: @Micheal, like Hadia mentioned LEA's but there was also a huge push from cyber sec volunteers who assisted LEA's, you might want to look herel <https://www.cyberthreatcoalition.org/> <https://cti-league.com/>

01:47:26 Dave Kissoondoyal - ALAC: +1

01:48:28 Michael Ahoritor Faraday: Thanks Hadia and Theo.

01:48:56 Cheryl Langdon-Orr: Thx @Lori quite clear!

01:49:14 Rob Davey: Great explanation Lori, thank you

01:49:29 Lori Schulman: you are very welcome. I am a trademark geek at heart.

01:49:40 Akakpo Abigail Esinam --: Greetings from Ghana. I am a Fellow of the Ghana School on Internet Governance (GhanaSIG) I'm very glad to join ICANN meeting for the first time. Thank You

01:49:50 Dave Kissoondoyal - ALAC: Thanks @Lori for the explanation

01:50:32 hadia Elminiawi: +1 Theo security practitioners play an important role

01:50:59 hadia Elminiawi: Welcome Akakpo

01:51:18 Akakpo Abigail Esinam --: Thank You

01:51:35 Syed Ifthikhar Shah: @ Jan Janssen: In the WHOIS data, the registrant of a domain name information keeps confidential and even the name/title of the firm. This is somehow the hacker exploit this privacy provision under GDPR in WHOIS data registration. However, it is very difficult for the users, especially a victim of fraud from a fake online shopping with a domain name who's most information is hidden under tag of privacy in WHOIS data and victim user is unable to see the important information from the WHOIS data before making online shopping transactions. SO, my question is that: how we keep balance in WHOIS data privacy as per GDPR so that registrant of a domain name can enter the basic information which is visible to the internet users?

01:51:53 Michael Ahoritor Faraday: <COMMENT> A classic example of a trademarked web address is [jw.org](https://www.jw.org).</COMMENT>

01:52:09 Joanna Kulesza: Thank you Syed, I'll give the floor to Jan to answer and we'll close the questions que.

01:53:22 Jonathan Zuck: Thanks

01:53:33 Brian King: Having just joined the call, sorry if man-splaining or if already covered but it's interesting to note that the US is one of a small number of jurisdictions with that explicit prohibition. In fact [booking.com](https://www.booking.com) was already a registered mark in several jurisdictions before the SCOTUS decision.

01:53:39 alberto soto: It is one thing to consider a trademark and another to verify that it is a trademark. The laws clearly state that it is a registered

trademark. And whoever is registered as a trademark will always be right

01:54:12 Theo Geurts: @Seyd you also might to expand on other metrics like if a webshop has an EV SSL installed, if it is not there, it is huge red flag ordering at such webshops.

01:54:35 Roberto: But the trademark is on the whole "booking.com" not on "booking" so a string like "booking.travel" would not be affected - but IANAL

01:54:51 Michele Neylon (Blacknight): @Seyd - cos criminals are going to use their real names in public whois?

01:54:57 vgreimann: How is redacted information different from stolen or invented data?

01:55:01 hadia Elminiawi: @Syed legal persons data should not be redacted

01:55:24 Rieke Poppe - One.com: even if the data wasn't redacted on a fake online shop, the data would probably be fake anyway

01:56:47 Michele Neylon (Blacknight): And you don't need whois data to get a dodgy site taken down

01:57:10 vgreimann: Have never seen a criminal put his own data in the whois for a fake shopi

01:57:15 hadia Elminiawi: +1 a good framework is there but a lot work still needs to be done

01:57:17 Michele Neylon (Blacknight): Neither have I

01:57:20 Emma CANER (OVHcloud): +1 Michele and Rieke

01:57:24 Michele Neylon (Blacknight): somebody else's data - sure

01:57:42 Rubens Kuhl: Balance is something to ask MEPs.

01:58:20 Michele Neylon (Blacknight): As a sole trader I'm a natural person NOT a legal person

01:58:33 Syed Iftikhar Shah: Ok, thanks

01:58:35 Theo Geurts: Releasing data of legal entities most likely will increase BEC fraud and other cybercrime attacks

01:58:41 Michele Neylon (Blacknight): +1 Theo

01:59:15 hadia Elminiawi: services and commercial companies would typically want their data to e published

01:59:32 Calvin Browne: @vgreimann - agreed that's generally the case. But I had a conversation with a policeman recently, asking him exactly that, and he said "You'd be surprised"

01:59:56 Theo Geurts: Yes but not to cirminals @Hadia, but it would be an option to deploy it through SSAD

02:00:15 hadia Elminiawi: @Theo SSAD offers a good potential

02:00:41 Michele Neylon (Blacknight): Hadia - what makes you think that companies want their details published?

02:01:43 hadia Elminiawi: @Michele I don't know of any commercial entity that would want to hide it self.

02:01:56 Brian King: I won't speak for Hadia, Michele, but most of our clients want their full RDS data published.

02:02:00 Michele Neylon (Blacknight): Hadia - that's a different matter

02:02:04 vgreimann: Why should we implement a new standard when the one already in place works?

02:02:11 Michele Neylon (Blacknight): Wanting to publish = active

02:02:15 Rieke Poppe - One.com: There are a lot of smaller companies that have the owners name as company name, or parts of it.

02:02:15 Michele Neylon (Blacknight): not hiding = passive

02:02:21 Michele Neylon (Blacknight): they're two very different things

02:02:36 hadia Elminiawi: @Michele usually companies pay money for advertisement

02:02:37 Gisella Gruber - ICANN Org: Sincere apologies but we have run out of time. We need to end this session

02:03:45 vgreimann: Generic words like Amazon, booking, etc?

02:03:56 Susan Payne: @Christopher, the domain name as a TM issue is really nothing to do with ICANN

02:04:05 Cheryl Langdon-Orr: Another excellent session... thanks to all involved... bye for now then...

02:04:22 Joanna Kulesza: Thank you all for your participation!

02:04:26 Lianna Galstyan: Thanks much

02:04:30 Dave Kissoondoyal - ALAC: Thanks a lot for this again interesting session of the ALAC. Thanks to all panelists, participants, organisers and especially the ICANN Staff including the interpreters

02:04:33 hadia Elminiawi: Thank you Christopher and Joanna for this session

02:04:45 Susan Payne: @Volker - Amazon is not a generic term. the word has a dictionary meaning in addition to being a brand, that is not the same as generic

02:04:50 Jan Janssen: Thank you Joanna and Christopher for organising!

02:04:58 Bill Jouris: This has been a really great session. Thank you all

02:04:58 Peter Koch (DENIC eG): "whois" is not an imprint for a web site

02:05:01 Jesse Nathan Kalange: Thanks for organising this session . very insightful

02:05:02 Theo Geurts: Great session

02:05:12 Gisella Gruber - ICANN Org: All presentations and chats will be available here: <https://community.icann.org/x/nALpCQ>

02:05:39 Evin Erdogdu - ICANN Org: Thank you all

02:05:39 John McCormac - HosterStats.com: Thanks/Later all