Global regulatory overview impacting the DNS

LAC DNS Week

Elena Plexida
Government and IGO Engagement

13 July 2023

ICANN

Challenges

- Growing focus of governments and IGOs on the DNS and IP - including the tendency to attempt to address political or social challenges with technology "solutions"

- New regulations/legislation may not be DNS related, but could have negative unintended consequences on a stable globally interoperable Internet and on ICANN's activities and governance

- Volatile geopolitical landscape and perceived 'existential' risks leading to 'digital sovereignty' initiatives

Cybersecurity

NIS2 (EU)

- Cybersecurity risk management measures and reporting obligations for DNS providers and TLD registries. Originally the proposal included the RSS and IANA.

- Provisions related to registration data

Cyber Incident Reporting For Critical Infrastructure Act of 2022 (US)

"DOMAIN NAME SYSTEM.—The requirements [. . .] shall not apply to a covered entity or the functions of a covered entity that the Director determines constitute critical infrastructure owned, operated, or governed by multi-stakeholder organizations that develop, implement, and enforce policies concerning the Domain Name System, such as the Internet Corporation for Assigned Names and Numbers or the Internet Assigned Numbers Authority."

Geographical indicators

Geographical Indications (GIs) Regulations (EU)

- In March 2022 the European Commission proposed two regulations on GIs that contained provisions on registration of GIs in domain names. One on GIs for wine, spirit drinks, and agricultural products and the other for GIs for craft and industrial products

- Extending the scope of the two regulations to gTLDs (the original scope was ccTLDs) was/is being considered.

- The agri GIs regulation is still being discussed in 'trilogue'. The Parliament has suggested to extent to "all TLDs" the proposal on the agri GIs.

Content

- Privacy laws

- Liability of intermediaries

    General monitoring prohibition

    Court cases against DNS operators

More initiatives

- Sovereign Internet Law (Russia)

- "Contingency plan for the root" (EU) for dealing with extreme scenarios affecting the integrity and availability of the global DNS root system

- Standardisation: a trend of developing **"national" or "regional" standards** and then encouraging or mandating the adoption, moving away from the traditional bottom up / industry led approach

UN

UN Processes & Issues

  •United Nations Global Digital Compact

  •WSIS+20

Engage with ICANN

Thank You and Questions

Visit us at **https://www.icann.org/resources/pages/ssad-odp-2021-04-29-en**

Email: **ODP-SSAD@icann.org**

 @icann

 facebook.com/icannorg

 youtube.com/icannnews

 flickr.com/icann

 linkedin/company/icann

 soundcloud/icann

 instagram.com/icannorg