The role of intermediaries
(and what it could mean for ccTLDs)

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ICANN 55 – ccNSO members meeting
Marrakech, March 2016
Observations

- European Commission Security Agenda: Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions the European agenda on security.
- European Commission Fact Sheet European Agenda on Security - State of Play
- European Commission survey on Regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy ("Platform consultation")
- Consumer Safety Network Sub-Group “Safety of Products sold online” (December 2015)
- EU Internet Forum December 2015.
- PSWG GAC meeting in Brussels January 2016
- Healthy Domains Summit February 2016
Other occurrences of this issue

- DOTCOM act ([Link](#))
- The Manila Principles ([Link](#)), also discussed during an IGF session
- Public safety and other debates @ ICANN: (e.g. [Internet pharmacies](#))
- Numerous debates @ IGF: (e.g. [Opening Ceremony](#))
- General Data Protection Regulation: consequences for intermediaries: ([Link](#))
- ICANN 55 PSWG – RIRs WHOIS

Court cases

- Sweden: ISPs blocking the Pirate Bay ([Link](#))
- Germany: Liability of access providers ([Link](#))
- USA: liability of access providers (Case 1:14-cv-01611 full verdict not published yet)
- 67% don’t categorise illegal content however those that do, most act differently according to the category.
- 70% have not been involved in voluntary removal of domain names to restrict access to content.
- 38% participate in some form of national/EU/international initiative to block/take down illegal content.
- 46% have at some point received a court order to take action or restrict access to content.
- 46% have been a party to a legal action related to content. Most actions (82%) relate to IPR infringements.
- The most common origin of legal action is law enforcement agencies and/or private companies.
- 61% stated they do not consider their ccTLD to be an intermediary in the sense of the E-Commerce Directive.
THANK YOU FOR LISTENING!

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