

Good afternoon : Thankyou, Olivier for pointing to this article.

I have several serious reservations about the arguments that are put forward therein :

1. **ICANN's 'multi-stakeholder model' has failed** to deal with the issues arising from GDPR ; the very idea that an 'expedited' PDP could last for more than three years says it all. EPDP should be closed down by ICANN and re-activated in due course if necessary on the basis of an agreed joint report from ICANN Legal and Compliance together with the European data protection authorities.

2. I absolutely reject **the 'legacy' argument** invoked by the authors. ICANN has known for twenty years that the DNS Whois was incompatible with European privacy laws. Instead of engaging with the issues, contracted parties, with some acquiescence, if not support, from ICANN staff have simply ignored the issue.

If there is a 'legacy' issue, it is of ICANN's own creation. The contracted parties, and their lawyers, should have known better.

It wasn't for lack of telling.

3. **Differentiation?** Almost any website that one visits announces its privacy policy and requires one to accept it. No option.

Why can't the Registries instruct the Registrars to require that all Registrants update their data to differentiate between natural and legal persons? In other respects, Registrants are normally periodically required to update their data.

4. **'Flat and permission-less'**: This is – frankly – a Red Herring.

More to the point, ICANN has to take account of applicable local law, (Article III of the Articles of Incorporation). I take it that the ICANN Board finally got that message (otherwise we wouldn't be doing EPDP etc. in the first place.) Would that the contracted parties would do likewise!

5. **'Payoff?** I don't see this as necessary either. At the top end of the - increasingly concentrated – DNS markets, there seems to be no lack of cash flow. At the more modest, not for profit, end of the Registry market, multiple Registries and Registrars are already conformant.

The principal payoff for conformance is the reduced risk of infringement and fines. Which - as I recall - was why we were put into EPDP in the first place.

I suggest that the authors of the article have another think, and join a solution rather than attempting to entrench their issues.