

# Towerhouse LLP

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**LETTER OF MOTIVATION  
INDEPENDENT EXPERT**

**Competition, Consumer Trust and Consumer  
Choice Review Team**

**Dr Liz Williams, Of Counsel**

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**30 October 2015**

Towerhouse LLP  
London



## A. EXECUTIVE SUMMARY

- A.1** Dr Liz Williams is a regulatory policy expert retained as Of Counsel at Towerhouse LLP (**Towerhouse**) and is delighted to respond to ICANN's request for expression of interest to serve on the Competition, Consumer Trust and Consumer Choice Review Team (**CCT Review Team**) as an Independent Expert.
- A.2** Dr Williams is ideally qualified to serve on the CCT Review Team. She has extensive experience across the team's Terms of Reference and a deep operational understanding of ICANN's mission to expand the domain name space.
- A.3** Dr Williams is supported by a strong team of competition, consumer and regulation specialists at Towerhouse. Led by Dr Williams, the team are perfectly placed to help the CCT Review Team meet its mandate. In particular, Dr Williams has the skills to facilitate the smooth operation of the CCT Review Team in the production of comprehensive charter documents, benchmarking research and analysis and stakeholder engagement. This is underpinned by deep subject and institutional experience in the ICANN environment.
- A.4** Some highlights of Dr Williams' experience are set out below and contained in more detail in the accompanying curriculum vitae and statement of interests. Dr Williams has been deeply involved in both ICANN's ccNSO and GNSO since 1999 and has worked across a full range of policy and domain name expansion issues, including: vertical markets integration; WHOIS and privacy protection; registrar accreditation; and registry operations with multiple industry participants. In particular, she:
- (i) was retained by ICANN in 2004 to provide:
    - technical services for the development of the application portal for the 2004 round of sponsored TLDs; and
    - services as Chair of Sponsorship and other Issues Application Review Team;
  - (ii) performed the role of expert witness in ICM Registry's successful International Arbitration;
  - (iii) was appointed by ICANN between 2005-2008 to lead:
    - the new TLDs policy development process which resulted in the publication of the policy framework for the new TLDs Applicant Guidebook; and
    - the registry contractual terms and conditions policy development process which addressed significant competition and market conditions issues for legacy registry operators
  - (iv) provided expert policy, regulatory and strategic advice from 2011 to assist new TLD applicants successfully navigate the application and evaluation process, including participating on numerous ICANN working groups and policy discussions throughout the completion of the application cycle; and
  - (v) has extensive ccTLD experience, e.g. as an elected .auDA Board Director.
- A.5** Dr Williams is a seasoned academic researcher and author with an extensive publications record which demonstrates her research & data analysis capabilities within the digital economy industry sector. Further documentation can be found at [www.lizwilliams.net](http://www.lizwilliams.net).
- A.6** Supported by the Towerhouse team and in tandem with other CCT Review Team members, Dr Williams is capable of fulfilling all of the Responsibilities set out in the Call for Volunteers.

## B. KNOWLEDGE & EXPERIENCE

### Who is Towerhouse

- B.1** Towerhouse is a London-based competition, regulatory and consumer law firm and consultancy.
- B.2** Towerhouse is widely-recognised for its specialist ICT competition and policy skills and experience, with global and UK legal listing guides placing it alongside global giants many hundreds of times its size. For example, Chambers & Partners 2015 describes Towerhouse as “full of people who know what the industry’s about” and “always impressive”, and the Legal 500 ranks it as one of the leading IT and telecoms practices in the UK.
- B.3** We provide legal and policy advice and representation to clients throughout the telecommunications, technology and Internet space. We present:
- (i) **a multi-disciplinary approach** – with experts across ICT policy, law and economics, and with significant experience working within regulators;
  - (ii) **proven experience managing complex projects with multiple stakeholders** – for example, our team has led major policy projects for regulators including Ofcom, the ICT regulators in Mauritius and various Asia-Pacific countries, and major private sector players (such as Vodafone, Sky, Three, EE and Colt);
  - (iii) **a commitment to and experience in organizational development and IT/IS management** – we understand how to incorporate skills and knowledge transfer in our approach, and how to adapt our outputs so that they are appropriate for the ICANN’s level of resources. Our past experience includes, for example, designing IT toolkits that can help streamline complex regulatory processes; and
  - (iv) **specific experience in the development of regulatory responses to programs in diverse geographies** – our team has advised on regulatory and policy development in a wide range of developed and developing markets. Outside the OECD, our team has been actively involved in regulatory and policy development in many jurisdictions including Jamaica, Panama, Barbados, Trinidad and Tobago, the member states of the Organisation of Eastern Caribbean States, Bahrain, Yemen, the Maldives, Macau, Solomon Islands, Samoa, Tonga, Kiribati, Vanuatu, Vietnam, Cambodia and Laos.

### Our knowledge and experience is well suited

- B.4** In **Table 1**, we explain how our knowledge and experience matches the CCT Review Team’s criteria.

**Table 1: Our knowledge and experience**

<i>Knowledge of ICANN and its working practices and culture, including the New gTLD Program</i>	Worked across numerous GNSO working groups, stakeholder consultations and policy development processes, most particularly in the new gTLD program. Focused on developing consensus based policy recommendations for consideration by the GNSO Council and ICANN Board. Very familiar with the nuances of the international stakeholder community in a sensitive cross cultural business practitioner context.
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<i>Familiarity with the multi-stakeholder model and procedures</i>	We regularly advise multi-stakeholder industry bodies and trade associations and have a complete appreciation of the complexity of managing interests and expectations across broad groups.
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Rosaleen Hubbard was a founding Council member of The Ombudsman Service. Rosaleen was also involved in the development and launch of UKCTA, the trade association for fixed line operators in the UK, and continues to manage the ongoing activities of the organisation.

We have recently acted for a consortium of major UK telecoms operators (Three, Colt, TalkTalk, Sky and Vodafone) on regulation of business connectivity markets in the UK – including managing expert procurement processes, engaging with regulators and other government bodies, and preparing expert reports and submissions.

*Expertise in consumer protection matters*

We regularly advise our clients, including regulators and large technology companies on consumer-facing issues and matters of consumer policy, including privacy, data protection and consumer protection.

Recent relevant experience includes advising clients on:

- the regulatory conditions which apply to all communications networks and service providers imposed by European NRAs as conditions to the general authorisation under which electronic communications networks and services are provided (in the UK, the General Conditions of Entitlement (which are regulatory conditions);
- consumer protection (including in relation to direct marketing, data retention and protection, lawful interception of data and consumer rights under various marketing regulations); and
- direct marketing and the rights and responsibilities of companies when selling telecommunications and technology services to the public (including representing a company with a call centre facility in relation to a regulatory investigation into nuisance calls).

*Understanding of the New gTLD rights application processes and protection*

Dr Williams was instrumental in guiding the policy development process for new TLDs and then in establishing the negotiating framework for the rights protection framework in new TLDs and in developing, for example, the provisions for the Trade Mark Clearing House. As a member of the Business Constituency, she submitted materials for consideration by other Stakeholder groups.

*Expertise in or knowledge of mitigating DNS and potential security threats;*

With a PhD in IT & law from the Queensland University of Technology's Cryptography Faculty and her experience in the ICANN environment, Dr Williams is well equipped to provide policy and regulatory advice in this area, in tandem with technical specialists.

*Experience in evaluating competition and market forces in the gTLD space or in other industries*

We bring wide-ranging experience of competition law by combining private-practice, in-house and agency-side experience. We have advised clients on:

- market reviews and SMP conditions - we have acted on all major market reviews carried out by Ofcom and acted as expert advisers to the Information and Communication Technologies Authority of Mauritius on a project to conduct the first telecoms market review process and design and implement SMP remedies;
- market analysis and definition;
- enforcement actions taken by competition and regulatory authorities.

*Expertise in quantitative*

Because we are multi-disciplinary, we bring together policymakers, lawyers and

*analysis and information systems*

economists and have dedicated quantitative experts.

Recent relevant experience includes advising clients on:

- cost modelling, with a particular focus on the economics of communications networks;
- incentive-based regulation including RPI-X price controls;
- excessive and predatory pricing and other forms of exclusionary abuse (such as margin squeeze);
- price regulation and the underlying regulatory mythology; and
- regulatory accounts and accounting principles.

*Expertise in or knowledge of intellectual property rights protection*

Towerhouse is fully qualified to practice in, and understands and deploys in its commercial practice, the full range of intellectual property issues, including copyright, trade mark, patents and domain names.

In addition, our team has sector-specific expertise in the regulatory issues that are particularly closely related to intellectual property, including domain names, rights attaching to the use of numbers and electronic addresses, and related rights such as spectrum.

*Knowledge of competition, consumer choice and consumer trust in the domain name or other marketplaces*

Towerhouse is a leading boutique competition and regulatory practice with extensive knowledge of the European competition and consumer legal regime. We are active in advising a range of public and private sector clients on these issues, covering competition law enforcement (across a range of sectors), regulatory policy developed using competition law principles, consumer law enforcement (including in relation to online and premium rate telephony services) and consumer trust (including privacy/data protection, the design of competition protection rules in environments where there is a range of levels of consumer trust and engagement, and the application of behavioural economics to policy development).

*Capacity to draw fact-based conclusions and feasible and useful recommendations*

We have a multidisciplinary approach and focus on providing well-grounded and measurable advice.

Many of our team have held senior or decision-making roles in leading regulators or policy-making agencies, including Ofcom, the Legal Services Board and Monitor and in competition authorities such as the UK's Office of Fair Trading (now the Competition and Markets Authority) and the Australian Competition and Consumer Commission.

We have significant international experience both in the private and public sector and we recognise the importance of international benchmarking. As ICT experts, we bring to the table our wider understanding of the regulatory context within which complex policy issues play out. This enables us to provide better, more targeted and expert advice.