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A copy to: **Competition and Markets Authority,  
Autorite de la concurrence, Internet Engineering Task  
Force, European Commission (DG-COMP), U.S. DOJ**

Our Ref: TC/ADM838  
25<sup>th</sup> January 2023

Dear Sirs,

**Re: W3C**

We act for the Movement for an Open Web (“MOW”). MOW is a not-for-profit organisation that is seeking to secure an open and decentralised web. It was formed to benefit from the anonymity protections available to its members (players within digital markets) in helping competition authorities with their enquiries.<sup>1</sup> We are writing to outline our concerns with the process and operation of the W3C under competition law (see **Annex 1** for further detail on the legal context).

The internet has proved to be the most successful vehicle for consumers to engage with content of all types, find, and then buy goods and services and connect with each other. It is now essential for all society. Open markets depend on it functioning effectively. It operates over communications infrastructure and uses key technologies that depend on web standards. The architecture of the web is defined by these web standards. They define how elements and different devices interact with each other. Web standards define, for example, the function and properties of a browser, and how an online store or publication can be engaged through the browser. Please see **Annex 2** for further information on browsers’ interference with the architecture of the web. Whether a browser operates as a neutral portal through which to engage with websites or contains specific functions (such as payments, advertising, or wallets) is a choice. That choice affects all activities within the web supply chains, web-based services, and the systems that are used by the web. Commercial activity over the web and payments systems and technology all depend on web standards.

W3C is a standards-making body that oversees those standards, and its decisions affect the competitive structure of many different businesses and markets.

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<sup>1</sup> MOW is, for example, the complainant in current DG Competition proceedings. See Commission guidelines on complaints para 81 and footnote 71 “Some persons may wish to inform the Commission about suspected infringements of Articles 81 or 82 without having their identity revealed to the undertakings concerned by the allegations. These persons are welcome to contact the Commission. The Commission is bound to respect an informant’s request for anonymity unless the request to remain anonymous is manifestly unjustified.” [EUR-Lex - 52004XC0427\(04\) - EN - EUR-Lex \(europa.eu\)](http://eur-lex.europa.eu/52004XC0427(04) - EN - EUR-Lex)

Standards making in competitive markets does not usually create risks of anticompetitive effects. However, due to the involvement of Big Tech platform businesses that dominate digital supply chains, unusually, the W3C standards have become a vehicle for coordination between competitors and affect other web businesses that rely on them. Below we provide an outline of the three main ways in which the W3C is being misused for the benefit of the major platforms, which affect competition:

- (1) As recognised by the US DOJ, process bias or “stacking the deck” may favour certain entities over others.<sup>2</sup> The EU Commission Horizontal Guidelines<sup>3</sup>, also recognise the importance of unbiased processes. They reference “unrestricted participation” as the central principle to observe among all interested in making technical standards.<sup>4</sup> The restriction of participation otherwise risks creating standards that favour certain participants and restrict competition. This means that as an institution, W3C has an increased role to play in governance. We refer to these as “Process failures”. Please see **Annex 3** for detail on specific events of such Process failures showing restriction of participation.
- (2) The “web” is made up of interconnected and interoperating computers operated by different businesses and individuals. They operate in an ecosystem.<sup>5</sup> That ecosystem critically depends on the standards that govern data transport and interoperation. Competition was “built-in” to the web’s original architecture. Competitive neutrality between different types of network or system configuration is central to competition between networks and the businesses that run them. Since the web is a network of linked computers and software and systems, standards that limit “cross website” data transport can affect competition between and among different businesses. Standards that allow browsers to increase friction or interference with the transportation of data may thus prejudice the smooth operation of competing networks and systems. We refer to “Competitive Neutrality” when detailing these issues at **Annex 4**.
- (3) Where standards increase the functionality of part of the web to the detriment of other parts, the capabilities, functions and offerings available from different commercial entities may be affected. For example, basic web functions include data in User Agents, IP addresses and URLs. Increasing the functions available in the browser may enhance the dominance of browser owners and reduce the use of the same or similar functionality found elsewhere.<sup>6</sup> Different

<sup>2</sup> The US Department of Justice recently investigated the GSMA and found that their processes and procedures created bias. The DOJ stated that stacking of the deck arises from process failure which need to be guarded against: “The Antitrust Division’s investigation revealed that, in recent years, the GSMA used its industry influence to steer the design of eSIMs technology in mobile devices. In response to the investigation, the GSMA has drafted new standard-setting procedures that will incorporate more input from non-operator members of the mobile communications industry <https://www.justice.gov/opa/pr/justice-department-issues-business-review-letter-gsma-related-innovative-esims-standard>”

<sup>3</sup> See Chapter 7 [Official Journal C11, 14.1.2011, p. 1](https://ec.europa.eu/system/files/2021-03/consultation_strategy.pdf) currently under review, but not substantively altered; see further [https://competition-policy.ec.europa.eu/system/files/2021-03/consultation\\_strategy.pdf](https://competition-policy.ec.europa.eu/system/files/2021-03/consultation_strategy.pdf)

<sup>4</sup> The Commission maintains an active brief on promoting standardisation in communications and technology: see for example its 2016 Communication on Standardisation Priorities COM 2016 (176) <http://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-176-EN-F1-1.PDF> see also REGULATION (EU) No 1025/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 October 2012 which further references the principles recognised by the World Trade Organisation (WTO) in the field of standardisation, namely coherence, transparency, openness, consensus, voluntary application, independence from special interests and efficiency (‘the founding principles’). And the Commission’s proposed New Approach announced in February 2022 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_661](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_661)

<sup>5</sup> See CMA Mobile ecosystems Market Study at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1096277/Mobile\\_ecosystems\\_final\\_report\\_-\\_full\\_draft\\_-\\_FINAL\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1096277/Mobile_ecosystems_final_report_-_full_draft_-_FINAL_.pdf)

<sup>6</sup> See CMA Decision of 11 February 2022 at [https://assets.publishing.service.gov.uk/media/62052c52e90e077f7881c975/Google\\_Sandbox\\_.pdf](https://assets.publishing.service.gov.uk/media/62052c52e90e077f7881c975/Google_Sandbox_.pdf)

Google offered undertakings not to proceed with its Privacy Sandbox browser changes that would have the reduced the functionality and competitiveness of rival online advertising systems until it has created new tools that provide equivalent functionality to that which exists today. See e.g., para 5.20 “The Commitments will ensure that, if Google proceeds to removing TPCs, the Privacy Sandbox tools will be effective substitutes for the different forms of functionality provided by TPCs and other information deprecated by the Privacy Sandbox Proposals.”

functions that could exist in a decentralised web are being centralised into the browser, to the benefit of browser owners and to the detriment of the Open Web and those businesses that rely on Open Web functionality. We refer to “Functional Competition” when detailing these issues. Please see **Annex 5** for examples of how W3C has shown a lack of Functional Competition.

These are competition concerns requiring your attention.

The emerging theme indicated by a review of events at W3C (see **Annexes 3, 4 and 5** for the detailed list of events) over the past few years is not of a neutral independent and prudent web standards body but of an entity that has lost its way. One that is increasingly willing to consider, support or add credibility to the benefit of certain major technology platforms.

Today, W3C is a body that operates to a flawed process. In practice it allows the participation in discussions to be overly influenced by major players. They may send multiple representatives to its many groups, they may develop guidance documents used by other groups and they may make proposals, which ignore the views of others. They may get together and block the development of decentralised functions, preferring standards that centralise functionality.

The reality is that major players can and have influenced the outcome of its work. At a time when its status is changing and has now become a private Delaware corporation, this should be a cause for concern for antitrust authorities and policy makers.

That flawed process appears to have already contributed to the development of proposals that enable the distortion of competitive neutrality in the operation of the web. Functionality has been added, particularly to the browser, to the benefit of the browser owners, overriding other more innovative alternatives. Adding functionality such as wallets to the browser, while disabling the ability of rivals to rely on cookies and other data storage and sharing mechanisms, affects basic web functions and hence many businesses. It is likely to provide anticompetitive advantages to the few that have extensive consumer facing operations and first party data (see **Annex 4, paragraphs (B) and (C)** for further detail).

We consider that the time has now come for the W3C to recognise its significance. It has evolved to become a standards-setting organisation that makes decisions for a resource used by over 5 billion people that consequently have wide-reaching effects on businesses. It should disown positions which reinforce major businesses and their first party data advantages. As a guardian of impartial web standards making actions it can take would include:

- Due process changes to ensure “unrestricted participation”. This means allowing all members to have a voice. It also means the regulation of the numbers of representatives sent by members. It means the introduction of objectively fair processes for challenges and proposals. It should include impartial appeals process to an independent arbitrator, which could be chosen by the parties to a dispute, as is common in many commercial disputes resolution systems;
- Due process changes for W3C governance acting at a threshold stage to filter out proposals that might favour one group of companies over others. The system should aim to weed out inherently discriminatory and anticompetitive proposals. Such proposals could simply be ruled as out of scope of the W3C discussion fora (such as WICG or PATCG);

- The creation of a more robust antitrust compliance system designed to achieve competitive neutrality in standards making;
- The introduction of a process to prevent discussion of proposals which increase functionality in the browser at the expense of functionality elsewhere on the web;
- Clear requirements concerning market communication associated with proposals and their current status.

We trust that this letter is useful and we are at your disposal should you have any questions or wish to discuss it in further detail.

Yours faithfully,

**Preiskel & Co LLP**

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## Annex 1: Legal Context

Browsers operate at the start of a user's web journey and their importance to competition has been highlighted for a long time. They attracted attention from the antitrust authorities when Microsoft's proposed bundling of its browser with its operating system was found to restrict rivals<sup>7</sup> and enhance its position. That illegal bundling was blocked by both US and EU authorities. Since that time, the importance of the browser as a gateway to the web has only increased. Gateway legislation has recently been passed in the EU.<sup>8</sup> It is specifically designed to prevent discrimination over core platform services<sup>9</sup> by technology platform owners towards third parties. More recently the dominance of Apple and Google over their ecosystems has been subject to industry-wide study,<sup>10</sup> and browsers and their interoperation with their apps stores and the wider web is currently the subject of a formal Market Investigation which will involve a detailed assessment of remedies.<sup>11</sup>

As is clear from the guidance from competition authorities about standards making referenced above, businesses that attend standards-making bodies are subject to competition law duties to avoid anti-competitive coordination and information exchange. This is a direct obligation if dominant under Article 102/Chapter 2, and if based on concerns about agreements then Article 101/ Chapter 1 applies to the participating companies<sup>12</sup>. Standards-making bodies themselves, if hosting anti-competitive standards making or unlawful business discussions, are also responsible for compliance with the law.<sup>13</sup>

In the CMA's landmark investigation of Google's Privacy Sandbox<sup>14</sup>, its proposed changes to its Chrome browser were regarded as a cause for concern. In its Privacy Sandbox Decision<sup>15</sup>, the CMA found that if Google were to introduce its proposed Privacy Sandbox browser changes, they could restrict others and harm competition including by foreclosing rivals to Google. Google's proposals to block third-party cookies was considered anticompetitive. Both the favouring of Google's own system and the imposition of restrictions on rivals were identified as key infringements of the law. Google offered undertakings not to go ahead until the CMA is satisfied about the competitive neutrality of alternatives to the current web transport functionality that would be blocked by Google's browser.

All of Google's Privacy Sandbox proposals continue to be discussed at the W3C. As such, the W3C is operating as a forum for discussion between competitors and others in web ecosystems. How that discussion takes place needs to comply with the law.

<sup>7</sup> In the late 1990s Microsoft started bundling its web browser, Internet Explorer, with its Windows operating system. This effectively destroyed the Netscape company, who up until then had the most market share with its browser, Netscape Navigator. *United States v. Microsoft Corporation*, 253 F.3d 34 (D.C. Cir. 2001)

<sup>8</sup> The Digital Markets Act ("DMA") has entered into force on 1 November 2022

<sup>9</sup> See article 14 of the DMA at [https://eur-lex.europa.eu/legal-content/EN/TXT/?toc=OJ%3AL%3A2022%3A265%3ATOC&uri=uriserv%3AOJ.L.\\_2022.265.01.0001.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?toc=OJ%3AL%3A2022%3A265%3ATOC&uri=uriserv%3AOJ.L._2022.265.01.0001.01.ENG)

<sup>10</sup> See the CMA Mobile Ecosystems Market Study Final Report (10 June 2022) at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1096277/Mobile\\_ecosystems\\_final\\_report\\_-\\_full\\_draft\\_-\\_FINAL\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1096277/Mobile_ecosystems_final_report_-_full_draft_-_FINAL_.pdf)

<sup>11</sup> See the CMA decision to make a Market Investigation Reference in respect of the supply of mobile browsers and browser engines, and the distribution of cloud gaming services through app stores on mobile devices in the UK on 22 November 2022 at <https://www.gov.uk/cma-cases/mobile-browsers-and-cloud-gaming>

<sup>12</sup> References are to the EU Treaty Articles and UK Competition Act Chapters. For an example of standardization agreements being subject to competition law: X-Open Group (Case 31.458.15 December 1986) [1987] OJ 1987L35/36.

<sup>13</sup> This has been raised with the W3C in correspondence dated 2 December 2021.

<sup>14</sup> See CMA investigation into Google's 'Privacy Sandbox' browser changes on 7 January 2021 at <https://www.gov.uk/cma-cases/investigation-into-googles-privacy-sandbox-browser-changes>

<sup>15</sup> See e.g., paragraph 2.30 of the CMA Decision to accept commitments offered by Google in relation to its Privacy Sandbox Proposals (11 February 2022) at [https://assets.publishing.service.gov.uk/media/62052c52e90e077f7881c975/Google\\_Sandbox\\_.pdf](https://assets.publishing.service.gov.uk/media/62052c52e90e077f7881c975/Google_Sandbox_.pdf)

## Annex 2: International standards making and the layering of networks

The following is provided to aid understanding about the way that browsers are currently interfering or proposing to interfere with the transport of data across the web. Technical standards underpin the transportation of data across communications and computer systems worldwide. Those underlying communications systems are designed to be fully open and interconnected after the historic agreement at the WTO in 1997.<sup>16</sup> That agreement binds governments to support open competitive communication markets. The World Wide Web should, in principle, also be open and interconnected.

The **Open Systems Interconnection model (or 7 layer OSI model)** provides a common basis for the coordination of public interest outcomes via governance oversight by government. Open systems interconnection is defined for telecommunications networks and information technology in accordance with a governance model that seeks to secure unbiased outcomes and prevents standards affecting competition.<sup>17</sup> <sup>18</sup> OSI telecoms standards which enable the internet are developed via a specialised agency of the United Nations at the ITU, based in Geneva.<sup>19</sup>

The Internet protocol suite<sup>20</sup> provides end to end<sup>21</sup> communication specifying how data should be packetized, addressed, transmitted, routed and received.<sup>22</sup> No part of that standard is biased toward the centralisation of functions in the browser. Importantly, TCP/IP is used for many protocols, including hypertext transfers or HTTP. Users are connected to content (typically in the form of web pages and HTTP based APIs) via transport functions. The HTTP standard is at its heart a standard dealing with *the transfer and transport of data between computer devices to enable content to be shared.*

The relationship between the standards is provided in Fig 1 below.

Fig 1. OSI and TCP/IP.

Computing Layers		TCP / IP Model	OSI Layer	Example Protocols		
Software	Services	Application Layer	7	Application Layer	HTTP	Enable access to information
			6	Presentation Layer	ASCII & JPEG	Translate, encode and compress information
	Middleware	5	Session Layer	RPC	Provide interoperable delivery of information	
	Transport	Transport Layer	4	Transport Layer	TCP	Provide interoperable delivery of information
Internet Layer		3	Network Layer	IP address	Deliver information to destination	
Infrastructure	Network	Network Access Layer	2	Data Link Layer	Ethernet	Organize bits into frames
	Hardware		1	Physical Layer	Binary media	Store and transmit bits

<sup>16</sup> World Trade Organization, Agreement on Basic Telecommunications (15 February 1997)

<sup>17</sup> <https://www.iso.org/standard/20269.html>

<sup>18</sup> ISO (the International Organization for Standardization) and IEC (the International Electrotechnical Commission) form the specialized system for worldwide standardization. National bodies that are members of ISO or IEC participate in the development of International Standards through technical committees established by the respective organization to deal with particular fields of technical activity. ISO and IEC technical committees collaborate in fields of mutual interest. Other international organizations, governmental and non-governmental, in liaison with ISO and IEC, also take part in the work. In the field of information technology, ISO and IEC have established a joint technical committee, ISO/IEC JTC 1. Draft International Standards adopted by the joint technical committee are circulated to national bodies for voting.

<sup>19</sup> <https://www.itu.int/en/un/Pages/un-agency.aspx>

<sup>20</sup> The Internet Protocol Suite of standards was developed separately from ISO standards. The internet model combines the physical and data link layers of the OSI model into a single link layer and has a single application layer for all protocols above the transport layer, as opposed to the separate “application”, “presentation” and “session” layers of the OSI model.

<sup>21</sup> <https://web.mit.edu/Saltzer/www/publications/endtoend/endtoend.pdf>

<sup>22</sup> <https://datatracker.ietf.org/doc/html/rfc1122>

In any consumer web journey, each layer will be used. At the start of these layers is the end user facing their computer. At the end is the content. Essentially, the web is a system that connects users to content presented by its creators.<sup>23</sup>

Tim Berners-Lee launched the Uniform Resource Locator (URL), Hypertext Transfer Protocol (HTTP), and HTML standards with prototype Unix-based servers and browsers in the early 1990s. The original and still very common document type is a web page formatted in Hypertext Markup Language (HTML). This markup language has been extended beyond text to support images, audio, video, persistent memory (e.g. persistent storage), computer programs (e.g. JavaScript) and, device access (e.g. location).

The result is a truly decentralised system that enables network edge computers and runs over the top of pre-existing, open and interconnected communications networks. Google's Search engine using the Larry Page's "Page Rank" algorithm then allowed users to find sites they are interested in, using the web. It tracks weblinks and estimates relevance to user queries and then shows pages in search results in order of likely relevance to user query.

One benefit of standards is to ensure the compatibility of technology developed by different organizations. Innovation is thereby assured from all market participants that make products to meet those standards and in an open competitive market standards can enable competition from new entrants, and smaller players to reach broader customer groups and to be deployed more widely.

Where major platforms can influence the development of standards in a way that favours their own businesses, they can gain competitive advantage. The W3C needs to ensure that its operation and standards do not reinforce the competitive position of certain members or businesses over others or otherwise distort the use of these technologies; undermining the entire systems of standards and structure of markets that were liberalised to increase competition.

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<sup>23</sup> When providers of content are users themselves, then the connection is what is known as peer to peer. The path used by creators to upload their content is similar to the path for users in accessing the content. A distinction between Web 2.0 versus Web 1.0 is that the early version of the internet had very few content creators, whereas applications like social media have enabled exponential growth in the numbers of users who are also content creators. One way that Web 3.0 has been defined is with the rise of distributed computing platforms like the P2P (peer-to-peer) file sharing protocol [BitTorrent](#) (released in 2001) which have enabled a shift away from the centralized control of servers. This was followed in 2009 by the cryptocurrency [BitCoin](#) which establishes trust by way of a distributed secure ledger known as a [blockchain](#). The functionality of these features of "Web 3.0" could be generally described as a distributed layer operating on top of TCP/IP, but the success of distributed computing depends on basic functionality enabling distributed processing. A timeline could be identified as: pre-1971 - Infrastructure building, 1971 - Internetworking *made useful* with the "killer app" of email, 1991 - Internet *made functional* with the public debut of the World Wide Web (50 years after the first Turing-complete computer by Zuse, 20 years after email), 1993 - Internet *made engaging* with the rich graphic interface of Mosaic, 1998 - Internet *made practical* with Google solving relevant search.



### **Annex 3: W3C’s processes and governance and how they relate to antitrust law**

As a private entity, the W3C sits to one side of the OSI/ITU (see **Annex 1** for further detail on OSI/ITU). It is a private organisation that has to date been hosted by universities. It is responsible for overseeing the development of the family of standards on which the web operates. It has been further privatised and is now a private Delaware corporation.

Undue influence or control of the W3C, or even a specific web standard or prospective standard, could give any organisation or a small number of organisations, opportunity to discriminate and prefer their own activities and increase their influence over the web, and all web-based services, for private benefit. The first issue is then the process adopted by W3C for ensuring unrestricted participation.

The W3C operates through a number of different groups.<sup>24</sup> These are “Working Groups”, “Interest Groups”, as well as “Community and Business Groups”. Each are created for a discussion concerning a topic identified in the Group’s charter. They assist the two permanent parts of the organisation: Technical Architecture Group or (“TAG”) and the Advisory Board. Each exist to influence web standards.

The W3C has adopted a formal process called “The Process”. This is a document<sup>25</sup> that has been formally adopted by the W3C and has to be followed by members (the “Process Document”). It states that “W3C work revolves around the standardization of Web technologies. To accomplish this work, W3C follows processes that promote the development of high-quality standards based on the consensus of the Membership, Team, and public.”<sup>26</sup>

Consensus implies a process for reaching agreement taking on board all relevant views and inputs through open and transparent due process.<sup>27</sup> The principle in antitrust law that standards bodies dealing with horizontal cooperation should operate on the basis of unrestricted participation, and the Process Document does not require a particular percentage of eligible participants to agree to a motion in order for a decision to be made. So, if members were to operate based on a majority without means to address dissent or to fail to address legitimate objections, the consensus principle and the principle of unrestricted participation would be broken.<sup>28</sup>

The W3C Process contemplates a fair process. For example, it expects information to be circulated in advance of meetings (3.1.2.1) to ensure reasonable time for its consideration, it contemplates transparency and allows access across disabilities, country borders and time zones as well the publication of proceedings (3.1.3).

However, it appears that either the formal process only strictly applies to the two formal permanent working groups or is followed only imperfectly by other Working Groups. These are essentially shadow groups without due process protection.

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<sup>24</sup> <https://www.w3.org/groups/>

<sup>25</sup> See the W3C Process Document (2 November 2021) at <https://www.w3.org/2021/Process-20211102/> (“Process Document”)

<sup>26</sup> Section 1 of the Process Document

<sup>27</sup> Under 5.2.1. Consensus is defined as a “core value of W3C”. “To promote consensus, the W3C process requires Chairs to ensure that groups consider all legitimate views and objections, and endeavour to resolve them, whether these views and objections are expressed by the active participants of the group or by others (e.g., another W3C group, a group in another organization, or the general public).”

<sup>28</sup> Additional provision in the process deal with decisions by vote – see 5.2.3. These allow decisions by majority of those involved in the relevant group rather than escalation to others with more impartial and independent perspectives. Other mechanism can be imagined that would avoid major organizations dominating outcomes and overriding those with which they disagree. The current escalation process in 5.5 to the Director in practice allows delegation to other than the director and is no guarantee of impartial and independent decision making.

The TAG is the formal body responsible for stewardship of the Web’s architecture (3.3.2) and currently operates under the control of Tim Berners-Lee as the Director. Otherwise, the Advisory Board and some TAG members are elected by the membership. Where membership is drawn from those that have an economic interest in the outcome this is a cause for concern. To address this concern, provisions exist to limit participation in the Advisory Board and TAG to one member from the same employer (3.3.3.2).

While the risk of undue influence arising from employment is therefore recognised and addressed in the formal provisions for membership of these two important groups, no such provisions address the same risk in relation to all the other W3C Working Groups. There are also side-line “Community Groups: which do not apply due process protections. Often these Community Groups develop de-facto standards that are widely implemented prior to the application of the Process.”<sup>29</sup>

How the process will operate under the management and control of a private entity is currently unclear. The W3C thus risks breaching the principle of unrestricted participation in the many activities and groups operating outside the formal process.

(A) Process failure: US Congressional findings

We wrote to the W3C concerning issues with its processes on 20 October 2020. A number of issues were raised. Where, for example, a proposal would likely benefit one or a small number of members it would likely be anti-competitive and could be ruled out of scope. We suggested that consideration of matters that would inevitably discriminate in favour of tech platforms was contrary to W3C’s mission and vision. Ruling matters out of scope would increase participation and not act as a drain on the resources, a major issue for smaller businesses.

In August 2019, Google had published its Privacy Sandbox proposals and referred to them being considered by W3C. As we now know, a number of those proposals could, if implemented without oversight of alternatives by the CMA, create benefits for Google and discriminate against its rivals. This is the basis for the CMA’s Privacy Sandbox decision.<sup>30</sup> In our letter of 20 October 2020, we raised with the W3C the issue that “Google’s proposals for cohort browser changes and user agent client hints are likely to be discriminatory, contrary to W3C goals and breach the law on abuse of dominance and favour incumbency”.

Further, our letter of 20 October 2020 under “process issues” we raised compliance with EU law and the need to ensure full and unrestricted participation given the way that Google has many times more delegates than others, effectively “stacking the deck” in its favour. We suggested market structure is important and that “where the market is dominated then it is to be expected that a debate among the major and minor competitors will be muted. In short, when there is a “bully” in the playground there is a greater need to safeguard the interests of all.”

We suggested, among other things, that:

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<sup>29</sup> <https://wicg.io/> - Web Incubation Community Group (WICG) where the majority of Privacy Sandbox is defined

<sup>30</sup> Moreover, specific undertakings have since been provided by Google in paragraphs 11 and 12 of the undertakings that require it to communicate using GitHub in a particular way- which it is not currently observing

“Google intimidates its rivals. This has even been noted in evidence to the US Congress and specifically highlighted in the recent congressional report<sup>31</sup> that such intimidation is taking place at W3C meetings.”

“It has also been reported to us that equal amounts of time are not in practice reserved for those that are supporting or challenging a proposition. This may be a function of the fact that there appears to be no regulation of the number of delegates that may attend from a single company with one company having over 100 times greater numbers of attendees than the majority of companies.”

“Fairness requires that the process is not one sided and the debate is balanced. [..]”

To date, the W3C has declined to respond to our suggestions which would help it to ensure unrestricted participation and comply with its legal obligations.

It is our view that members representation should be changed to ensure fairness. It should prevent larger numbers of participants from big companies overly influencing the outcome. To observe the principle of unrestricted participation and avoid stacking the deck, time should be equalised among those proposing and challenging a position and number of delegates regulated in accordance with Congress’ suggestion.

We would like to highlight that correspondence regarding governance issues at the W3C were raised on 13 July 2020 directly to the Advisory Board wherein numerous entities’ representatives asked to consider matters of W3C governance and trust choices.<sup>32</sup> Immediate written response from the W3C was that issues raised within the CMA report on the Privacy Sandbox changes did not fall within W3C remit. A meeting was then held with individuals from the W3C Advisory Board in August 2020 to which the response was that, given companies such as Google and Apple are private companies, W3C has no power to control their products. The W3C is incorrect to reject discussion of these principles on the basis that others’ products are involved. That is true of all standards, and the true question is the impact of the standard on the web’s interoperability, and harm to competition from closed standards.

#### (B) Process failure: dispute resolution

Escalation of any disputes at the W3C is in principle supposed to be settled by the Director, who may then delegate responsibility for processing a Formal Objection (“FO”).<sup>33</sup>

As mentioned (see section on Formal Objections against the Payment Request API at **Annex 5, paragraph (E)**), FO to this standard did not go to Tim Berners-Lee, but rather directly to a W3C employee who appointed a new Advisory Council being a combination of TAG and Advisory Board members, which advised that the substantive elements of complaints be overruled.

As an example the appendix to the Advisory Council decision on Criteo’s FO to the Payment Request API<sup>34</sup> sets out a new process for handling formal complaints:

<sup>31</sup> See p. 127 of the Investigation of Competition in Digital Markets (6 October 2020) by co-chairs J. Nadler and D.N. Cicilline at [https://fm.cnb.com/applications/cnbc.com/resources/editorialfiles/2020/10/06/investigation\\_of\\_competition\\_in\\_digital\\_markets\\_majority\\_staff\\_report\\_and\\_recommendations.pdf](https://fm.cnb.com/applications/cnbc.com/resources/editorialfiles/2020/10/06/investigation_of_competition_in_digital_markets_majority_staff_report_and_recommendations.pdf)

<sup>32</sup> <https://lists.w3.org/Archives/Public/public-web-adv/2020Jul/0016.html>

<sup>33</sup> See the W3C formal objection process here: <https://www.w3.org/2017/12/formal-objections.html>

<sup>34</sup> See the Council decision here: <https://www.w3.org/2022/08/PaymentRequestFOCouncilReport>

“In recognition of Tim Berners-Lee’s eventual retirement, the W3C Advisory Board and W3M (W3C Management<sup>35</sup>) have been exploring the possibilities of a Director-free future for the W3C. As part of these explorations, W3M invited the Advisory Board (AB) and the TAG to a third joint session for handling formal objections as a joint Council . . . Following this experiment, the AB, TAG, and W3M, together with the Process CG, will be using this experience and its evaluation to help us chart the future of a Director-free Consortium.”

The problem with these proposed changes to the appeals process is that they do not guarantee independence and impartiality in the resolution of disputes. From the perspective of having a knowledgeable but impartial arbitrator to help resolve disputes, Tim Berners-Lee was almost ideal. The formal process calls for the Director to resolve disputes and he is an academic with no commercial interests or biases to speak of. This is not equally true of the new Council that was referred to in assessing Criteo’s very reasonable objections to the Payment Request API.

The digital market is a highly concentrated industry. Fear of oppression and a willingness to appease those who are commercially powerful is a feature of concentrated markets. In these circumstances, there is a need to reinforce the impartiality of standards bodies on which we all rely for a free and open web.

Furthermore, detailed technical knowledge is limited to a few - and they may be able to take decisions that favour the powerful without wider understanding of the consequences.

A number of alternatives to ensure dispute resolution benefits public interagency outcomes might be considered - such as independent arbitration with three independent experts drawn from a panel depending on the subject matter area. There are many others. This is something that probably needs wider public debate given the stakes.

### (C) Process failure: W3C’s Security and Privacy Questionnaire

51Degrees raised FOs in relation to discrimination encouraged in the W3C’s Security and Privacy Questionnaire (“**SPQ**”)<sup>36</sup>. The SPQ was published by the TAG as a Group Note using the Note track. As a questionnaire and a document taken into account by other groups it was not itself developed under the approach outlined in the W3C Process.

The SPQ promotes the idea that third-party domains carry greater privacy and security risks than first-party domains when this has no basis in law or in fact.<sup>37</sup> It also appears to contradict the position taken by Google in its defence in *Lloyd v Google* [2021] UKSC 51 where the UK’s Supreme Court has recently found that Google’s placing of third-party cookies on browsers did not necessarily infringe privacy laws.

The SPQ uses charged language which is discriminatory as between first- and third-party domains to the detriment of smaller, independent organisations who must rely on supply chain partners to operate their third-party based systems.

<sup>35</sup> <https://www.w3.org/People/functions/w3m>

<sup>36</sup> See <https://www.w3.org/TR/security-privacy-questionnaire/>.

<sup>37</sup> It also appears to contradict the position being taken by Google in its defence in *Lloyd v Google* [2021] UKSC 51 where the UK’s Supreme Court has recently found that third-party cookies do not necessarily infringe privacy laws.

The SPQ was developed by representatives of Apple and Google. Three of the editors of the SPQ since its creation have been representatives from Apple and Google.<sup>38</sup>

It suggests that Apple and Google coordinate their positions within the W3C standards organisation and have successfully created a guidance document that affects the approach of all W3C groups and standards making bodies.

51Degrees FOs have been consistently overruled including on the 8<sup>th</sup> of September 2022.<sup>39</sup>

The W3C process in practice makes frequent references to the W3C's SPQ which clearly favours "first-party" solutions, and the business of the major players at the expense of the interests of smaller businesses (via a focus on same origin policies).

The Privacy Interest Group ("PING"), of which Big Tech players have many members, support the SPQ.<sup>40</sup> As a result, a singular position on privacy based on internet domains which benefits major businesses with a lot of first-party domain data, does not serve the majority of web users' interests, and is not competitively neutral. This is contrary to the purpose of standards, and it is not surprising that it is also not compatible with the stated mission or Member Agreement of the W3C<sup>41</sup>.

Furthermore, the W3C SPQ does not seek to define a base line level of privacy with relation to well-known data protection laws such as GDPR. Instead, it is a document where a group of people have come together to reinforce a self-serving distinction between first-and third-party domains, which benefits their very large consumer facing employers' businesses which collect a lot of consumer data on a first party basis.

As a matter of objective fact, there is no correlation between domain origin and personal data. The argument that third-party cookies are harmful and first-party are not, has also been rejected in a joint opinion from the CMA and the ICO during 2021.<sup>42</sup>

This issue illustrates how a development of a report or document outside the formal process can in practice affect all activities. It has embedded the bias against third party domains which is built into the SPQ into all subsequent discussion.<sup>43</sup>

It is an example of restricted participation contrary to the EU guidance. It is also an example of a working practice whereby the formal process is influenced by different groups which by-pass its operation and which lead to outcomes that have not been subject to fair challenge under a fair procedure, in effect giving greater influence to the major companies that write guidance documents and other reference materials that then get taken into account within other groups.

(D) Process Failure: 11 February 2022: Process issues in Private Advertising Technology Community Group

<sup>38</sup> See [Self-Review Questionnaire: Security and Privacy \(w3.org\)](#).

<sup>39</sup> See <https://www.w3.org/2021/12/prapi-objs.html#x51degrees>

<sup>40</sup> Out of 132 participants in PING, 26 are from Google and Apple. See full list here <https://www.w3.org/groups/ig/privacy/participants>

<sup>41</sup> <https://www.w3.org/Consortium/Agreement/>

<sup>42</sup> See [Competition and data protection in digital markets joint statement \(publishing.service.gov.uk\)](#) at page 11: "A cookie is generally identified as being first-party if the domain of the cookie matches the domain of the page visited and as being third-party in instances where the domain of the cookie does not match the domain of the website. This is not a rigid distinction. Some functions typically delivered through third-party cookies can be done via first-party cookies, even if a third party's code and associated service is still involved."

<sup>43</sup> See [Web Payments Working Group Charter \(w3.org\)](#).

In an email correspondence on the 22<sup>nd</sup> of February 2022 to the Private Advertising Technology Community Group (“**PATCG**”), James Rosewell, co-founder of MOW and CEO of 51Degrees, a member of W3C, presented a set of PATCG issues in an effort to catalyse a change in the practices at the PATCG. Firstly, in order to prevent bias, polls and surveys were suggested that could be more inclusive to include a range of stakeholders to encourage engagement, in line with the DOJ guidance and EU concept of unrestricted participation pursuant to the Horizontal Guidelines (as outlined above).

James Rosewell also put forward the suggestion to consider antitrust issues as is usual in compliance programs, at the beginning of each W3C meeting. This would help ensure that the W3C enforces its Antitrust Guidelines.<sup>44</sup>

The PATCG chairs do now incorporate the mention of the W3C Antitrust at the start of meetings into their observed practices. However other improvements have not been taken forward either within the PATCG or elsewhere, with the W3C continuing to operate a system that suffers from and is open to bias and influence contrary to the guidelines.

With the support of MOW, 51Degrees raised a FO to the chartering of a Working Group to bring the work of the Community Group under the W3C Process, until competition issues were addressed in the charter.<sup>45</sup> W3C appear intent on applying the same flawed process to handling FOs to this FO and have shown no willingness to consider the systemic failings highlighted before attempting to recharter the group. It should be noted that the original request to gain a charter for the work failed to achieve the minimum level of support from W3C members. Without CMA intervention in the standards setting process the likelihood of reform seems low.

(E) Process failure: Due Process Issues: Ban of James Rosewell (51Degrees) and Lack of Appeals Process

James Rosewell, CEO of 51Degrees, has been systematically excluded from discussion in W3C. He has been banned by the Technical Architecture Group (“**TAG**”) from engaging with them via GitHub, the preferred method of debate stipulated by TAG, and has been accused of acting in bad faith by TAG chairs. No evidence has been put forward to support that accusation or a process identified which enables appeal. As such, Mr Rosewell is being prevented from engaging in debate which impacts the commercial prospects of his business. This was raised in a letter of complaint submitted by MOW to W3C on 2 December 2021.

There is evidence that W3C processes and documents refer to legal documents and to the legality of actions under various laws, from privacy to human rights. Competition laws set the boundary for legitimate discussion at the W3C and are more than legitimate matters to be considered. They are also required to be reviewed to avoid the W3C creating liability among its members. However, one of the reasons that is given for Mr Rosewell being excluded from discussions is that he is raising legal issues which are beyond the remit of the W3C.

The W3C has a Code of Ethics and Professional Conduct (“**CEPC**”).<sup>46</sup> W3C members are expected to comply with the CEPC when engaging in meetings and in W3C discussions such as GitHub. It appears to have been manipulated for the sake of suppressing legitimate discussion. The CEPC includes a list of “unacceptable behaviours” one of which being, “sustained disruption of discussion,” which has been

<sup>44</sup> See <https://www.w3.org/Consortium/Legal/2017/antitrust-guidance>

<sup>45</sup> <https://lists.w3.org/Archives/Public/public-new-work/2022Sep/0004.html>

<sup>46</sup> Found at <https://www.w3.org/Consortium/cepc/>

used to shut down dissent. Those asking questions which do not align with certain viewpoints others consider to be “self-evident” are accused of sustained disruption of discussion and warned they may be barred from further participation, as was the case with Rosewell. This provides evidence of systemic bias in favour of the Big Tech worldview.<sup>47</sup>

Further and more recently, Rosewell was rejected from attending a W3C workshop on 5 to 6 December 2022 without reasonable explanation as to why. The reason for attending would have fallen within scope of the original meeting agenda and the rejection further shows the W3C’s arbitrary decision-making process going against “unrestricted participation”<sup>48</sup>.

Again, the example is a further instance of W3C restricting participation and failing to comply with established guidance.

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<sup>47</sup> <https://github.com/w3c/PWETF/issues/150> and <https://github.com/w3c/PWETF/issues/150#issuecomment-856757340>

<sup>48</sup> <http://web.archive.org/web/20221012151410/https://www.w3.org/Privacy/permissions-ws-2022/> - Mr Rosewell applied to attend the 2022 W3C Workshop on Permissions held in Munich on 5-6 December 2022 to present alternative solutions (SWAN and Validated Sets) but was then rejected on the basis that the “workshop is focused on usable security aspects of web permissions, with advertising-related aspects explicitly out of scope.” However, the initial workshop description did not include “advertising-related aspects” as out of scope. The description was only changed on 11th November 2022 after Mr Rosewell’s application. Mr Rosewell further advised the representation from Google and the W3C that Validated Sets is not related to any particular field and therefore, would still remain in scope with no response. This shows clear exclusion of alternative proposals at a W3C-organised event. See **Annex 8** for email correspondence. See **Annex 9** for evidence of sudden change of workshop description.

## Annex 4 Competitive Neutrality

### (A) Lack of Competitive neutrality: SameSite Attribute for Cookies

Where proposals are clearly discriminatory and likely to create anti-competitive market structures and change web architecture for the benefit of defined groups they will be anti-competitive and should not be considered further at W3C. A simple test might be adopted that if the proposal does not support open competitive markets and the development of a decentralised web then it should not be debated.

By way of example, consider the Same site attribute. Without it, discrimination between first and third party websites would not be possible. MOW has raised the ability of browsers to discriminate among first- and third-party domains as the starting point for discrimination between them in its formal complaint on Google's abuse of dominance through changes to its browser` submitted to the CMA on 23 November 2020.<sup>49</sup>

The CMA's decision on the Privacy Sandbox agreed with that position and decided that Google's proposals were likely to create anti-competitive effects, and the case was resolved by Google giving undertakings not to make its browser changes until the CMA has assessed them for their neutrality in their effect on competition.

Cookies are data persistently stored in a browser on a user's device that allows a website's server to measure a user's digital activity and *communicate* relevant content. They facilitate the *transport of data* across the web between devices and data controllers and processors. They were created to maintain state between computers and websites. They are now often referred to in communications by the platforms in terms of 'first-party' and 'third-party' cookies.

Given cookies are mere storage files in which a server can place any data, no browser can differentiate between cookies that would be used solely by the media owner (so called first-party contexts), and first-party cookies that would also facilitate interoperable exchanges with supply chain partners (i.e., so called "third-party" uses of same information). However, in May 2019, Google began implementing a requirement that websites include code within their cookies to enable differentiation between internal uses and external uses of this data. Cookies had to denote first-party cookies by including 'SameSite' in the code for the cookie. Website developers had been able to use this 'SameSite' attribute before this, as it is an IETF standard. However, Google made the use a **requirement** by amending the coding in Chrome such that cookies which did not include the 'SameSite' attribute in their code would not work well. Google rolled out 'SameSite' enforcement from May 2019, on 11 August 2020 increasing the "target rollout population to 100% of users on Chrome Stable versions 80 and above, and the actual proportion of users with the new behavior enabled [...] ramping up to 100% gradually".<sup>50</sup>

This is an example of a standard being promulgated in circumstances *where the use by a browser enabled it to discriminate against smaller rivals and affect their competitive position*.

Whether that standard could enable, or support interconnection or interoperability is questionable as it is inherently a label that allows the browser to identify different business arrangements of big media owners and discriminate against smaller ones, affecting their competitive position. It could be anticipated that such a tool would only be used for anticompetitive discrimination and would limit the

<sup>49</sup> See submission to the CMA dated 23 November 2020

<sup>50</sup> <https://www.chromium.org/updates/same-site>.



structure of networks and their competitive neutrality. Promulgating such a standard benefitted the major browser owners and could and should have been foreseen and prevented by W3C.

More recently, Google announced the requirement for developers “to use a SameSite cookie "label" to clearly specify if a cookie is used in a first-party or third-party context.”<sup>51</sup> By requiring developers to use SameSite, Google is endorsing and supporting the SameSite standard. Here Google’s hand in altering the development of the structure of the web is revealed as that was proposed by Google at IETF on May 10th 2019, shortly before its publication of its August 2019 Privacy Sandbox Browser changes which rely on the distinction it had itself proposed between First- and Third- party sites.<sup>52</sup>

The creation of such a standard at W3C enabled coordination between browser owners who then implemented it with the inevitable discrimination and anti-competitive consequences contrary to guidance and the law.

That could have been anticipated and prevented by W3C refusing to consider standards that are likely to benefit some groups over others or otherwise reinforce market positions and affect market outcomes.

#### (B) Lack of Competitive Neutrality: Blocking third-party Cookies

In August 2019, Google announced its intention to deprecate or block third party cookies<sup>53</sup>. The announcement to phase out third-party cookies within two years was then made on 14 January 2020 on the Chromium Blog<sup>54</sup>.

A cookie contains information sent within an HTTP request header, which often consists of a consistent alphanumeric ID but might be any data such as the current contents of a shopping basket. The transient random identifiers frequently used in the requests sent by the user’s browser to the website server and support communication resulting in the browser returning a particular data value, almost like a lock and key, allowing the browser and website to work well together. This can be thought of as a vital input required for interoperability. Google’s actions and proposals are to effectively remove the coding in the browser that facilitates this interoperability. Websites may continue to send cookies, but the browser will return no data as described in Figure I below:

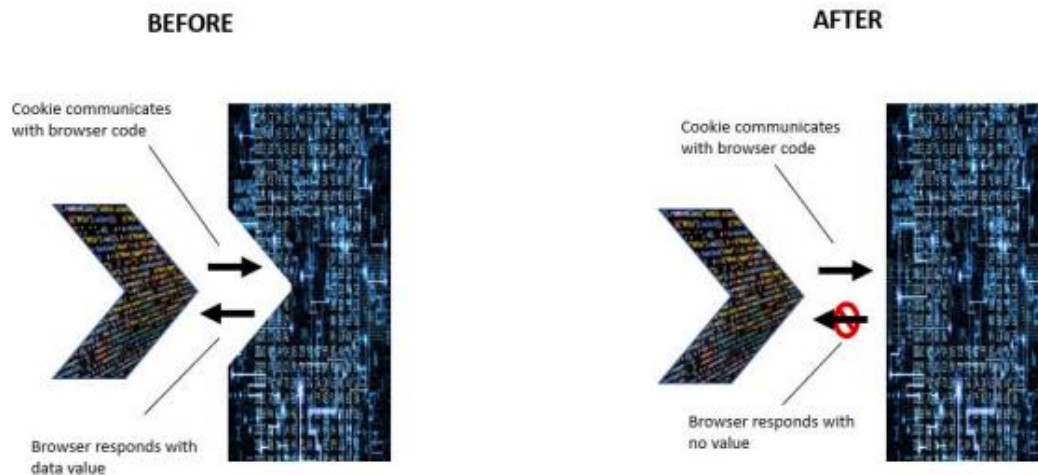
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<sup>51</sup> See [SameSite cookies explained \(web.dev\)](#).

<sup>52</sup> <https://datatracker.ietf.org/doc/html/draft-west-cookie-samesite-firstparty-01>

<sup>53</sup> <https://www.blog.google/products/chrome/building-a-more-private-web/>

<sup>54</sup> <https://blog.chromium.org/2020/01/building-more-private-web-path-towards.html>

**Figure I**

Google’s announcement states: “We encourage you to give [feedback](#) on the [web standards community](#) proposals via GitHub and make sure they address your needs. And if they don’t, file issues through GitHub or [email](#) the W3C group.” When the link is accessed, it leads to an “Improving Web Advertising Business Group”.

The CMA has since found that the anti-competitive consequences from blocking third party cookies, as it first noted in its Digital Markets and Online Advertising Market Study in 2020, would discriminate against third parties and provide Google with advantages over rivals, absent its intervention and oversight.

Nonetheless, rather than curtailing debate over obviously anti-competitive standards proposals the W3C continues to enable discussion among competing organisations about these matters, that allow them to coordinate their positions to their own benefit.

Google has a huge amount of First Party cookie and other data that would be unaffected by its discrimination against the same data being available to rivals from third party domains. In addressing the CMA’s concerns in the Decision of February 2022, it also gave undertakings that prevent it from blocking or interfering with third party cookies unless and until it can demonstrate that other alternatives fulfil equivalent competitive functions for rivals.

What is perhaps surprising is that the W3C is willing to entertain discussion of a proposal that is blatantly interfering with essential transport embedded in the functions of the web and which is used by many web businesses. Consideration of a proposal that promotes first party domains and companies with access to consumer data from extensive first party relationships is likely to discriminate in favour of such businesses over their smaller rivals.

Despite the findings by the CMA, these proposals continue to be considered at W3C, without taking account of the CMA Decision and Google’s commitments to create a stakeholder engagement process using the W3C. This also appears to be contrary to guidance and, absent CMA intervention would have been clearly anticompetitive. These outcomes could have been anticipated. If an effective antitrust

compliance program been in place at W3C proposals with anticompetitive outcomes could be weeded out from proposals that are likely to contribute toward technical improvements.

(C) Lack of Competitive Neutrality 2 and 21 December 2021: First Party Sets

W3C’s TAG was asked to review a proposal for a standard for First Party Sets. The proposal advanced to the TAG on 7 April 2021 when concerns were raised in the TAG Review Feedback.<sup>55</sup> TAG recognized this “first party” distinction clearly biased “large entities” and was thus “harmful to the web.” An issue has also been raised in relation to the proposal at: First-Party Sets #342 (Opened 8 February 2019)<sup>56</sup> where Hadley Beeman of W3C TAG formally reopened the issue because, as she put it:

“This issue came up in the context of [our review of the SameParty cookie attribute](#) proposal ([Discussion from our TAG breakout session](#))” and “We are finding that this proposal for first-party sets prompts more discussion in the context of cookies than it did on its own. So, we are reopening this issue to continue that discussion”.

It would have allowed those companies with multiple sites and multiple domains to treat them all as part of the same “First Party Set” when discriminating between first party and third-party domains. The TAG rightly saw the proposal as one that would benefit a small number of big companies.

Under the heading of “Governance” the TAG articulates a further concern:

“The proposed governance model for first party sets involves browser-curated allow lists. This model puts the browser-maker at the centre of how information is shared across origins and introduces another point of variance about how the web can be expected to work across different browsers. This could lead to more application developers targeting specific browsers and writing web apps that only work (or are limited to) those browsers, which is not a desirable outcome. See [the web is multi-browser, multi-OS and multi device](#) and [Support the full range of devices and platforms \(Media Independence\)](#). Furthermore, this would require each organisation which seeks to make use of First Party Sets to ensure their set is accepted into each supporting browser's allow list – the mechanism for which is unclear – and that the browsers would be responsible for vetting whether members of the set are actually part of the same organisation. The proposers have pointed out that other user agents already have curated allow and block lists and that this proposal only seeks to standardize that. Our view is that these existing implementations are a work-around in the context of limiting third-party cookies and that this pattern should not be uplifted through a standard into the web platform.”

The above is an example of how browser owners have been trying to increase the functionality of the browser and their market power. CMA also recorded its concerns that First Party Sets were inherently discriminatory and likely to create anti-competitive outcomes in its Notice of Intention to Accept Commitments – because they are limited to companies in the same corporate group.<sup>57</sup>

<sup>55</sup> [https://github.com/w3ctag/design-reviews/blob/main/reviews/first\\_party\\_sets\\_feedback.md](https://github.com/w3ctag/design-reviews/blob/main/reviews/first_party_sets_feedback.md). Further examples can be found in the minutes from a TAG teleconference discussing the proposal: [TAG Teleconference: First Party Sets](#) (29-31 March 2021) and in the [PrivacyCG call](#) on 11 March 2021.

<sup>56</sup> <https://github.com/w3ctag/design-reviews/issues/342>

<sup>57</sup> See paragraph 4.278 in the CMA’s [Decision to accept commitments offered by Google in relation to its Privacy Sandbox Proposals](#)

Nevertheless, the further proposal for Associated Sets continues to seek to limit participation based on company ownership and to do so in relation to only three companies.<sup>58</sup> This is, like the First Party Sets proposal, clearly and intentionally discriminatory and would affect the competitive position of different businesses operating on the web.

These examples are of blatant attempts to rig standards for the benefit of major platforms. Such discussion should have been out of bounds. W3C should have intervened at a much earlier stage to prevent them from continuing. They are examples of governance and internal controls failures.

(D) Lack of Competitive Neutrality 1 March 2021: Google’s FLoC and FLEDGE Proposals

MOW wrote to W3C on 1st of March 2021 drawing attention to Google’s cohort-based marketing proposals, which MOW considered to favour only Google and discriminate against rivals. MOW wrote with reference to a meeting held on the 23rd of February 2021 where Google explained that their proposed FLoC and FLEDGE browser changes will impair the effectiveness of their rivals’ current solutions. Google provided an assessment. It failed to consider competitors’ widely differing use cases. While changes to third party transport were likely from blocking third party cookies how FLoC or FLEDGE would address the likely reduction in pre-existing functionality was not clearly addressed.

A meeting of the Internet Web Advertising Business Group (“**IWABG**”) at the W3C took place on 16th of March 2021. At this call, once again, there was a discussion of the FLoC proposal. One Google employee’s blog stated that “Our tests of FLoC to reach in-market and affinity Google Audiences show that advertisers can expect to see at least 95% of the conversions per dollar spent when compared to cookie-based advertising.”<sup>59</sup>

Per MOW’s prior filing, the Google engineer who performed the test admitted to the W3C community, that both his test and control relied on identifiers stored in cookies as well as campaign optimization based on real-time feedback. Given Google intends to restrict both key functions, such claimed effectiveness was intentionally misleading. Google has yet to publicly retract its “95% effectiveness” claim.

Despite all these issues being raised with the W3C, no substantive action was taken. The appropriate action that could be taken by W3C would include publishing a statement of scope. That statement of scope would outline the technical parameters of a proposal for a standard (or a discussion about a proposal). If, for example, the proposal favours only Google then it would be dropped as it is likely to reinforce Google’s dominance and be anticompetitive. It would potentially be open to those advancing proposals to show the lack of anti-competitive effect at the outset alongside demonstrating and publishing the evidence of their technical benefits. There is a way that technical standards could be created. That is with input from competitors through a consensus building formal process. This is contemplated in W3C’s Formal Process. However, that process is not being applied in the above examples.

<sup>58</sup> <https://github.com/WICG/first-party-sets#defining-a-set-through-use-case-based-subsets>

<sup>59</sup> <https://blog.google/products/ads-commerce/2021-01-privacy-sandbox/>

## Annex 5 Examples of Lack of functional competition

### (A) Lack of functional competition: User Agent String

The User Agent String is a sequence of characters whereby the user agent (the browser) communicates technographic characteristics (e.g., browser version, operating system version, hardware model and manufacturer, crawler information, etc.) to the website. The User Agent String has been a feature of HTTP systems since the web was created.

It can be used to improve users' experience based on the device they access a digital publishers' content from, such as used by Netflix or Amazon's streaming services, or by newspapers to detect the capability of the device being used to view an edition.

The User Agent String currently plays an important role in a range of use cases, including performance optimisation across the web. One simple example is that, where the website knows the consumer is accessing it from a mobile phone, it will show a web page which is optimised for presentation on a mobile phone screen; where the User Agent String indicates a desktop computer is being used, the presentation of the web page will be optimised for presentation on a desktop computer screen.

One proposal in Google's proposal for User Agent Client Hints is to reduce the amount of data the User Agent String may communicate or send to an interconnecting website or to a publisher. This has been taken to a Community Group called the "Web Incubation community Group" at the W3C where two of the four chairs are Google employees, and most active participants are Google employees.<sup>60</sup>

The proposal is to alter the HTTP headers that have existed since the inception of the standard and which the eco-system relies upon particularly in relation to Android mobile devices. The proposal refers to the problem that it is seeking to address in pejorative terms that again refer to the discrimination that is built into the SPQ:

"There's a lot of entropy wrapped up in the UA string that is sent to servers by default, for all first- and third-party requests. This makes it an important part of fingerprinting schemes of all sorts, as servers can passively capture this information without the user agent's, or more importantly the user's, awareness or ability to intervene or prevent such collection."

The data currently transmitted is innocuous and is composed of limited technical parameters of devices that help websites detect fraud and support publishers in the ability to publish editions that are better formatted for older devices.

The proposal states that the User Agent String will be impaired by the browser, Google Chrome, and Chromium,<sup>61</sup> so that it only gives information about the browser and browser version being used – not the device running the browser. According to Google it will be coupled with a Privacy Budget that enables Google to further limit the User Agent data available, or worse, deliberately provide misleading information.

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<sup>60</sup> <https://github.com/WICG/ua-client-hints>

<sup>61</sup> We note that Edge and Brave are based on Chromium and unless manufacturers explicit engineer around Google's code, their browsers will mimic Google's restrictions. As the CMA is aware, Apple's Safari and Mozilla's Firefox rely on independent browser engines and have rejected Google's User Agent Client Hints Proposal.

In relation to the type of device and the operating system being used, the proposal interferes with the data currently supplied over the web.

If a website requests the full data, the proposal is that the browser, Google Chrome, will “make reasonable decisions about when to honour requests for detailed user agent hints” and will either give more data to the website, or will send false data, for example giving a device type or operating system which the consumer is not actually using.

This proposal allows Google to interfere in the data stream that is currently enabled by HTTP and interfere with the current standard mode of operation of the web.

This is highly likely to affect and distort competition among businesses that currently rely on user agent data.

The User Agent String is an important field in the Open Real Time Bidding standard (“OpenRTB”) used by the digital advertising industry.<sup>62</sup> The User Agent String value is passed between participants in the device object (3.2.18) to identify effective media and to inform bidding logic for advertising. Reducing the quality of signals available to the eco-system for advertising creates a business problem for them. This is a competition problem because no effective alternative is available to them but is available to Google. The W3C should not be providing a discussion forum for discriminatory practices that deprive web businesses of basic web functionality. W3C is instead involved in favouring those advertising solutions which are least reliant on the availability of complete User Agent String data: Google being the largest example as it has X Client Data and Android device and browser data that place it at a competitive advantage over rivals.

Further time is critically important to online communication, with 100ms of latency being commonly estimated to be worth \$100 million to advertisers<sup>63</sup>. The proposed interference with this data would allow the browser owner to alter the functionality and competitive neutrality of competing ad tech and fraud and security prevention businesses, all to its own benefit. Google already has data about end user devices using its browser (for example including X Client data which we have previously advised the CMA about). Third parties would be deprived of an equivalent source of data.

We note that Google’s design of UACH discriminates against websites visited less frequently than Google’s own digital properties, given the disproportionate latency impact they incur relative to visiting the identical content within Google’s properties. Google caches the results per device and can reuse this information for each subsequent visit throughout the month, whereas less frequently visited sites incur the latency penalty which can also negatively impact their organic search engine ranking results. This imposes a double cost upon rival publisher properties, coercing them to spend additional amounts for paid search to maintain current traffic volumes via Google’s Search. Moreover, given the reduced latency Google’s Ad Systems can provide enhanced monetization, such as with Google News Showcase, of such content rather than when the identical articles are displayed on rival publishers’ own sites.

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<sup>62</sup> [https://iabtechlab.com/wp-content/uploads/2022/04/OpenRTB-2-6\\_FINAL.pdf](https://iabtechlab.com/wp-content/uploads/2022/04/OpenRTB-2-6_FINAL.pdf)

<sup>63</sup> A 2017 Akamai study shows that every 100-millisecond delay in website load time can hurt conversion rates by 7% – that is a significant drop in sales – 6% – from the time when Amazon first talked about latency in seconds and milliseconds. This goes to show that things aren’t getting any easier for online retailers as user experience is becoming critical to e-commerce success.” See <https://www.gigaspace.com/blog/amazon-found-every-100ms-of-latency-cost-them-1-in-sales>

The proposal for UACH should be regarded as an anticompetitive proposal designed to enhance the market dominance of Google and also outside the proper scope of W3C standards making.

All such proposals must also be evaluated at inception, prior to incubation of any kind, to ensure that they are competitively neutral. Failure to achieve demonstrable competitive neutrality must result in the proposal being ruled out of scope and rejected from the W3C at inception.

(B) Lack of functional competition: Navigation tracking

Further examples of interference with web functions to the benefit of a small number of companies are illustrated below. In another Community Group called “Privacy Community Group” chaired by Apple, Microsoft, and Mozilla are actively debating methods for browsers to interfere with the data transmitted in URLs – enabling the basic functions of the web.<sup>64</sup>

If the W3C Antitrust Guidelines were implemented within this group, then the debate would have been ruled out of scope as the intention of the work is to interfere with the lawful exchange of information.

In addition, an introduction of an alternative proposal, SWAN, was rejected from discussion at the outset for primarily being out of scope for its enforcement of privacy laws despite Google and Apple’s proposals’ intention of doing the same.<sup>65</sup>

The GitHub forum discussion shows any further attempts to explain the solutions presented by SWAN were immediately denied.

(C) Lack of functional competition: Web ID

Originally proposed under the heading of Web ID is a proposal to change the way that consumers log into websites. It creates ‘sign in’ controlled via the browser. This was proposed in the same Community Group as User Agent Reduction. The proposal can be found at: <https://github.com/WICG/WebID>

In principle, Web ID would substitute functions currently contained in website sign in standards such as Open Authentication (OAuth)<sup>66</sup>. Website sign in is an important activity for online businesses. It provides them with the opportunity to contract with users, and to agree the basis on which user data will be shared.

Substitution of browser sign in for open web standards such as OAuth would involve the commercial substitution of a current web function by the browser, enhancing the dominance of the browser as an internet gatekeeper.

This proposal is seeking to anti competitively increase functionality into a browser and deprive existing competitors of control over user relationships, data and the ability to contract with their users. It should be regarded as anti-competitive and out of scope of W3C’s standards making functions. Web ID is yet another example of the W3C failing to evaluate proposals for their impact on competition at inception.

(D) Lack of Functional competition: Trust Tokens

<sup>64</sup> <https://privacycg.github.io/nav-tracking-mitigations/>

<sup>65</sup> See discussions at <https://github.com/privacycg/proposals/issues/6#issuecomment-815140049>

<sup>66</sup> <https://oauth.net/2/>

Fraud on the web is a known problem, and one for which solutions have been found based on the standards and de facto standards which currently exist. Eliminating support for cookies would negatively impact vendors' ability to detect fraud. As is set out elsewhere in this submission, Google's Privacy Sandbox proposes to disable or move away from a lot of those standards and de facto standards. One side effect of this is that many of the methods for fraud prevention currently used will cease to work or cease to work as effectively. Trust tokens is a proposed workaround to address this, within the Privacy Sandbox. It is a proposed API (Application Programming Interface) to enable Google to control how non-human traffic is detected. Google is not allowing competition to combat fraud but offering its own exclusive control to detect non-human traffic.

Essentially, the proposal is that Google's browser will be responsible for determining 'trust', and it will issue trust tokens to domains. It is not clear how Google will determine 'trust', what factors will be considered, whether players will be able to appeal against a negative 'trust' decision, or whether there will be any independent or objective oversight over the system.

Once again, the impact will be to anti competitively consolidate functions within the browser over whether a consumer is able to access a given website, or use a given functionality online. This should be regarded as out of scope for the functioning of W3C.

(E) Lack of functional competition: W3C Web Payments API

The W3C web payments API would allow Google and Apple granting their own payment solutions first place in the queue of payment options that will be put into their digital wallets for every browser. The lead editor is Google. The proposed specification goes beyond its original scope of passive facilitation to allow active interference and discrimination. It includes language that would inappropriately justify the browser ("user agent") reordering or restricting which payment methods are presented to the user by the merchant. See **Annex 6** for more details.

51Degrees and Criteo raised a formal objection against the W3C Web Payments API proposal on the 31st of January 2022. This W3C list of objections notes that "the Payments Work Groups operates under W3C Antitrust and Competition Guidance."<sup>67</sup> That Guidance requires that: "W3C does not play any role in the competitive decisions of W3C participants nor in any way restrict competition."

At least some of the formal objections to this specification identify a clear breach of the W3C Antitrust and Competition Guidance. Moreover, this specification as written contradicts W3C's Priority of Constituencies (according to which specifications should place the interests of authors and site owners ahead of user agents' interests) and core mission of promoting interoperability and equal access for all. The formal objection has now been overruled<sup>68</sup> in a process that provides greater weight and input to Apple and Google representatives under ad-hoc procedures not found in the Membership Agreements.

Furthermore, the above dispute did not go to the director of the W3C (i.e., Tim Berners-Lee) but a W3C employee who appointed an Advisory Committee<sup>69</sup> to assess the various objections to the proposal and in particular, Criteo's formal objection. The Committee's report did not advise making substantive

<sup>67</sup> <https://www.w3.org/2021/12/prapi-objs.html#:~:text=Criteo%20raises%20a%20Formal%20Objection%20to%20specific%20language.to%20put%20its%20own%20interests%20ahead%20of%20users%E2%80%99>.

<sup>68</sup> <https://www.w3.org/2021/12/prapi-objs.html#criteo>

<sup>69</sup> <https://www.w3.org/2021/12/prapi-objs.html#:~:text=Criteo%20raises%20a%20Formal%20Objection%20to%20specific%20language.to%20put%20its%20own%20interests%20ahead%20of%20users%E2%80%99>.



changes to the proposals based on Criteo's complaint. The employee then agreed<sup>70</sup>, on September 6th to overrule the remaining objection, after consulting the TAG group and Advisory Board.

On 8th September 2022 the Advisory Council, W3C employee, TAG and Advisory Board approved a new standard that enables browsers to become digital wallets that will be free to preference the payment methods that are most beneficial to themselves. This standard is being widely implemented.

It is an example of functions being transferred into the browser. It is also another failure of governance and internal control, which by-passed the potentially impartial dispute resolution procedures and instead supplanted them with inadequate and partial process leading to functionality being available to a few, and those few having a gatekeeper role, with likely anticompetitive outcomes.

(F) Lack of functional competition: Digital Bazaar<sup>71</sup> and current web payments proposal<sup>72</sup>

When seeking to define payments systems standards, an impartial and independent group of engineers including Manu Sporny, took many years to develop a standard, which would have enabled full end user choice over payment card and system, but the delegates of Microsoft, Google and Apple did not consider it, instead preferring to put forward a proposal of their own.

This could be seen both as an example of how the standards are not made respecting the principle of unrestricted participation as well as an example of how functionality is increased in the browser to the benefit of the browser owners.<sup>73</sup>

The W3C position then became the one advanced by the players with the strongest market positions. The technical competence or objective validity of proposals from other engineering perspectives were overridden. This was an observation made by Manu Sporny in a blog after his proposal was overridden: "it became clear that the browser manufacturers wanted to execute upon a fairly monolithic design"<sup>74</sup> in relation to web payments. See for a video of the capability demonstrating the full end user choice being enabled by the 2017 Digital Bazaar proposal.<sup>75,76</sup>

It is clear from the video that the Digital Bazaar proposal would have enabled multiple developers to use almost any browser with zero changes to the browser since part of the design allowed interoperability and compatibility with different browser versions from different manufacturers of browsers.

It is typical in standards setting to define the problem that is being solved before working on a standard. W3C have now allowed a proposal whose sole justification is to enable the web browser owners to intermediate in payments, and control wallets rather than one that would have enabled end user choice and competition. The specifications of the W3C Payments API were approved in 2022 following further objections being overridden. The new standard now enables Google and Apple to grant their own

<sup>70</sup> <https://www.w3.org/2021/12/prapi-objs.html>

<sup>71</sup> <https://www.youtube.com/embed/Yb-gWT1t1Rg?rel=0>

<sup>72</sup> <https://lists.w3.org/Archives/Public/public-payments-wg/2017Sep/0021.html>

<sup>73</sup> With Microsoft being a browser engine owner and manufacturer at the time but which has since switched to using Google's Chrome engine. The specifications of the W3C Payments API justifies Google and Apple granting their own payment solutions first place in the queue of payment cards that are put into every mobile phone browser. The lead editor of it is Google. See at <https://www.w3.org/TR/payment-request/>

<sup>74</sup> See <https://web.archive.org/web/20211028015824/http://manu.sporny.org/2017/w3c-web-payments/> and <http://web.archive.org/web/20120422063521/http://manu.sporny.org/page/2/>

<sup>75</sup> <https://www.youtube.com/embed/Yb-gWT1t1Rg?rel=0>

<sup>76</sup> <https://lists.w3.org/Archives/Public/public-payments-wg/2017Sep/0021.html>

payment solutions first place in the queue of payment cards that are put into every mobile phone browser. The lead editor of it is Google.<sup>77</sup>

The most recent proposal by Manu Sporny for a system that would benefit all unfortunately relies upon third party cookies and is hence dependent on the continued ability of websites to use cookies without interference. Given that Apple and Google are intent on blocking third-party cookies, the transport layer needed for the verification for an independent system is compromised and the user experience is worsened, which Manu Sporny demonstrates with a visual that shows fewer options appearing for the user.<sup>78</sup>

We attach in **Annex 7** the slide deck and minutes of the recent discussion at W3C on this issue which is highly relevant to the future development of web-based wallets outside of the browser. See further the current GitHub discussion under “Wallet Selection in CHAPI breaks without 3rd party cookies”.<sup>79</sup>

This is an example of both bias in the process, failure of governance and anticompetitive outcomes.

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<sup>77</sup> See at <https://www.w3.org/TR/payment-request/> See also <https://web.archive.org/web/20211028015824/http://manu.sporny.org/2017/w3c-web-payments/> and <http://web.archive.org/web/20120422063521/http://manu.sporny.org/page/2/>

<sup>78</sup> See the slide pack presented here [https://docs.google.com/presentation/d/1\\_h0-OKMpUJnEMAMZLgZl\\_ic726RSXtfKSgGyf1ksiag/edit#slide=id.ge9090756a\\_1\\_300](https://docs.google.com/presentation/d/1_h0-OKMpUJnEMAMZLgZl_ic726RSXtfKSgGyf1ksiag/edit#slide=id.ge9090756a_1_300)

<sup>79</sup> See GitHub discussion at <https://github.com/fedidcg/FedCM/issues/374>

**Annex 6: Web Payments API**

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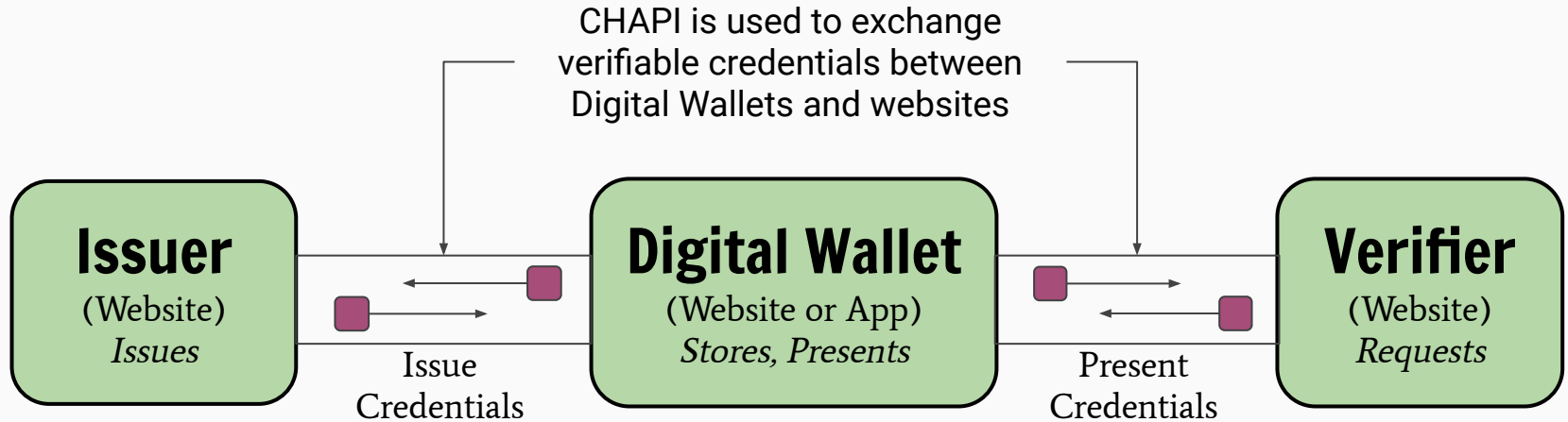
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**Annex 7: Slide Deck used by Manu Sporny and Minutes from FedID Community Group meeting on 12 December 2022**



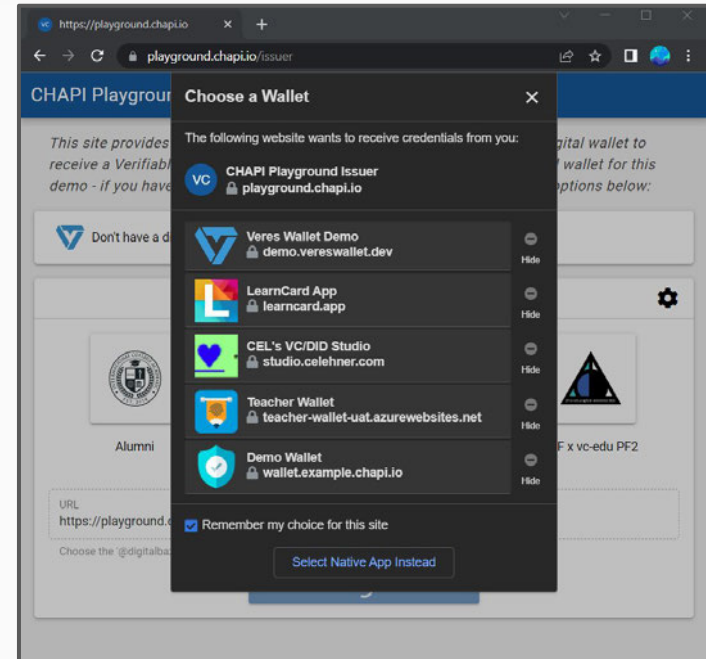
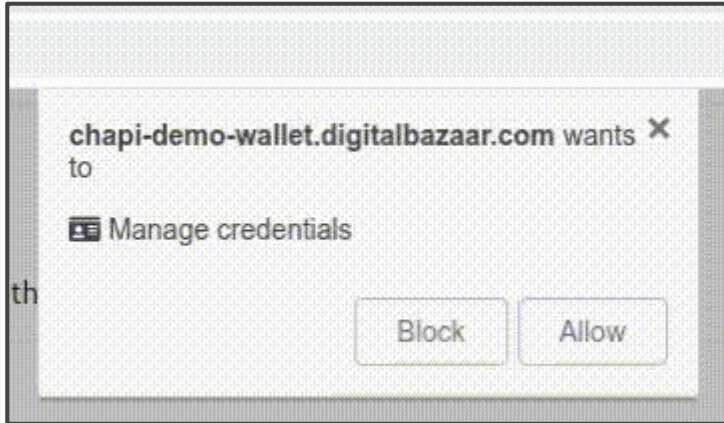
# 2022 FedCM CG + CHAPI Credential Handler API

# CHAPI in One Picture

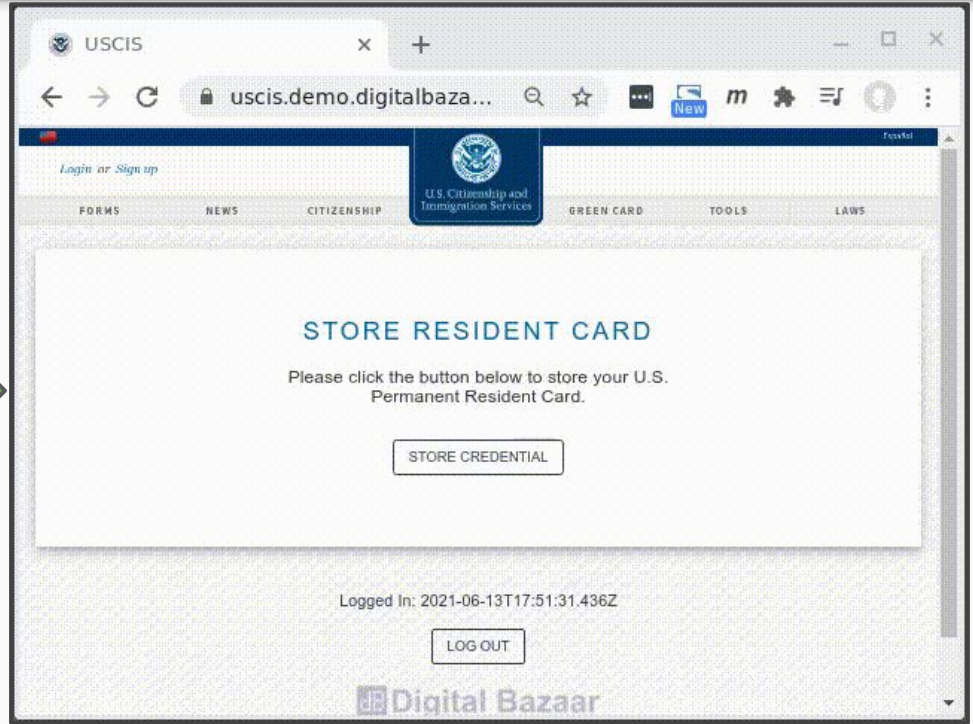
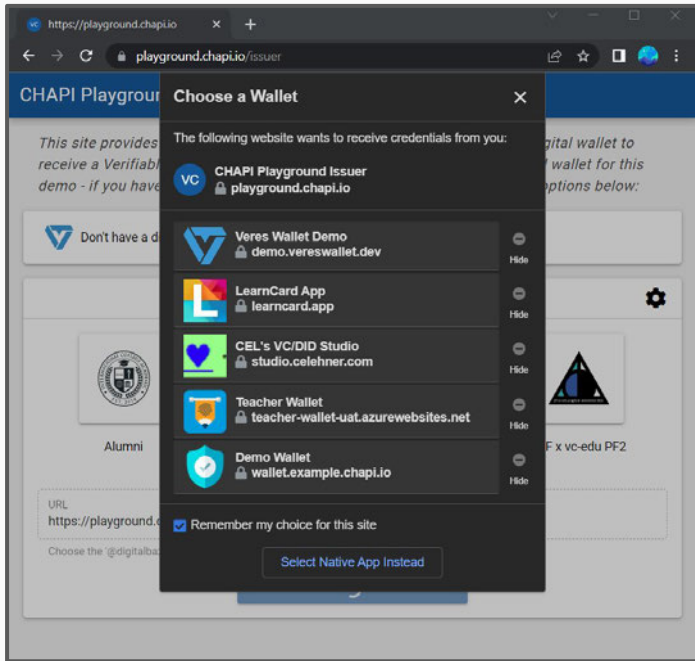


*Analogue: FedCM APIs are used to exchange identity claims between IdPs and websites.*

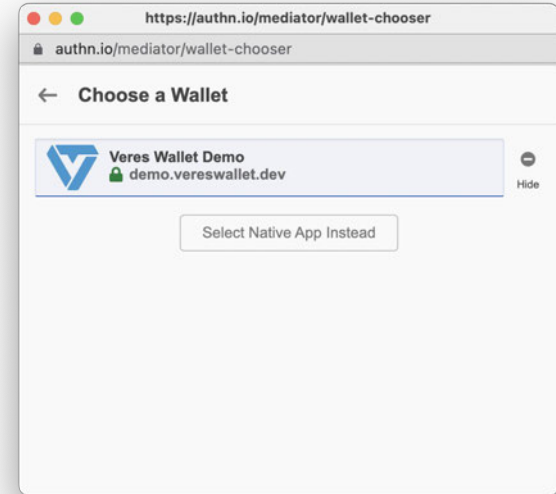
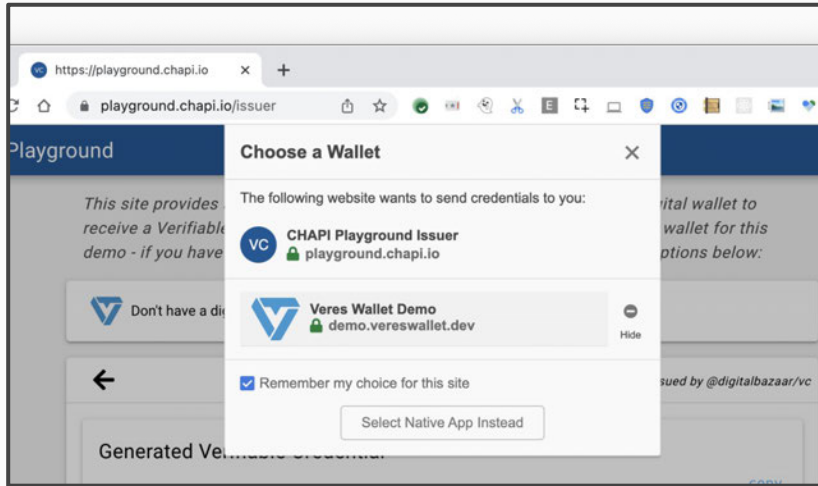
# Digital Wallet Registration



# Digital Wallet Selection



# Degrades when 3rd-party cookies unavailable





# Interoperability Overview

## CHAPI and VC-API

**81** Combinations  
Demonstrated

**17 different Issuers**

14 PlugFest participants

3 from the broader VC-API community

**8 different wallets**

5 web wallets

3 native mobile apps



participate.



Mavennet



# Goals and Non-Goals

- Goals
  - Explore commonalities between FedCM and CHAPI UX
  - Explore benefits of FedCM APIs that replace 3rd party cookies
    - CHAPI uses 3rd party cookies, but downgrades to a 1st party window if needed
  - Replace parts of CHAPI polyfill with FedCM APIs (if it leads to a better UX)
- Non-Goals
  - "Standardize" Verifiable Credentials and Decentralized Identifiers APIs
  - Solve generalized sharing of data between Websites/Apps (e.g., Web Share)

# Discussion

## FedCM Issue #374

*TL;DR; Wallet selection in CHAPI is built with iframes and third party cookies. This is an exploration if FedCM can help preserve it.*

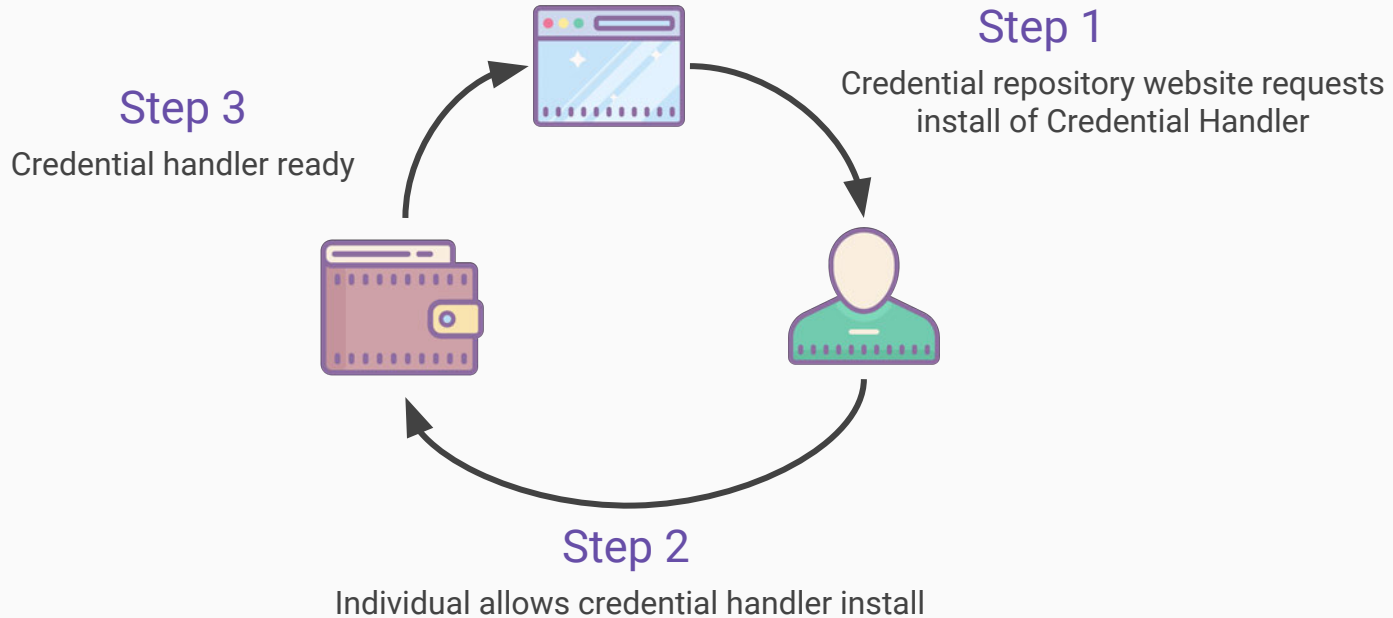
<https://github.com/fedidcg/FedCM/issues/374>

# Appendix

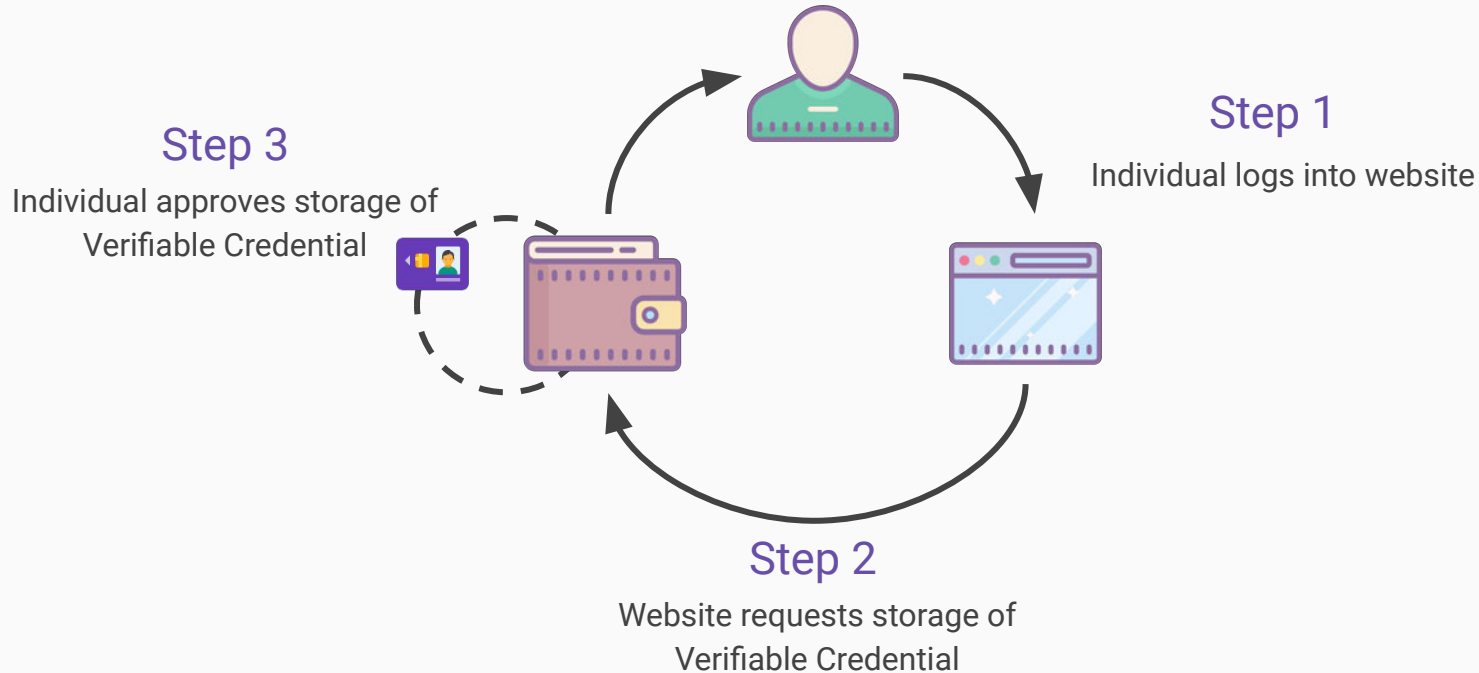


# CHAPI Details

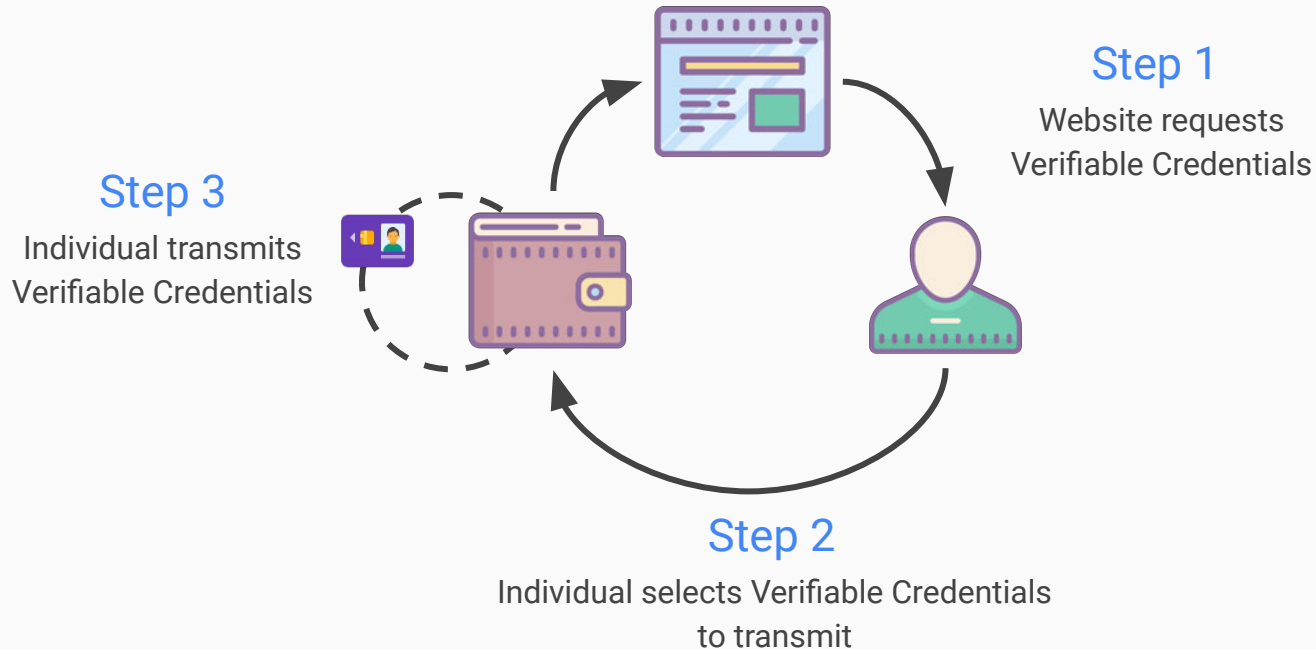
# Credential Handler Registration



# Verifiable Credential Storage



# Verifiable Presentation Request





# CHAPI Timeline

- 2014 - [Identity Credentials](#) protocol proposed
- 2017 - [Web Payments Handler](#) written by Dave Longley
- 2017 - [CHAPI Specification](#) created by Dave Longley
- 2017 - CHAPI [adopted](#) as W3C CCG Work Item
- 2020 - DHS SVIP Interop (6 companies interop)
- 2022 - JFF Interop (17 companies interop)

# Related Specifications and Code

Demo site: <https://playground.chapi.io/issuer>

Developer Documentation: <https://chapi.io/>

CHAPI Polyfill: <https://github.com/credential-handler/credential-handler-polyfill>

CHAPI Specification: <https://w3c-ccg.github.io/credential-handler-api/>

**Annex 8: Email correspondence evidencing James Rosewell's exclusion from participation in the Workshop on Permissions**

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**Annex 9: 3C Workshop on Permissions evidence of description change**





# W3C Workshop on Permissions

5–6 December 2022; Munich, Germany

## What is the purpose of this workshop?

Existing and novel Web APIs being used in more and more contexts challenge what users can easily deal with. They may have trouble understanding which information is being disclosed to whom and the threats presented by those disclosures. Deciding when and how to seek a user's permission or when that permission can be inferred or bypassed has been challenging, with different APIs, operating systems, and browsers handling things in different ways. Both web applications and native applications may face similar challenges in this space, therefore discussions on challenges and solutions spanning these two contexts are in scope.

The W3C Workshop on Permissions brings together security and privacy experts, UI/UX designers and researchers, browser vendors, OS developers, API authors, web publishers and users. We aim to address the privacy, security and usability challenges involved in controlling access to an increasingly powerful set of capabilities on the Web and other platforms.

## Which topics will be covered?

To keep the scope of this workshop practical, we'd like to encourage conversation about the ways in which user agents can (or cannot) engage users in its decisions about which capabilities to expose to which websites. The proposed scope includes:

- user concerns and preferences;
- better alignment of permission lifetime/duration with user tasks;
- risks and benefits of human-centric grouping/categorization of permissions and applications;
- challenges with novel capabilities;
- capability abuse threat models and mitigations;
- scoping of permissions to origins vs. applications, relation to same origin policy;
- UIs and controls;
- integrated permission control surfaces tailored to the capability itself;
- permission transparency, accountability, and control; and
- balancing well-specified permissions UX in standards with the ability for implementers to meet the future user and product requirements.

We aim to share experiences and user studies, leading to common understanding of how to ensure user comprehension and control of powerful capabilities while managing cognitive load.

The workshop will build on the [W3C Workshop on Permissions and User Consent held in 2018](#).

## How can I participate?

Attendance is free for all invited participants and is open to the public, whether or not W3C members.

If you wish to express interest in attending, please fill out the [application form](#). The application form asks several questions about your background and ideas; please give these questions serious thought. In addition to the application form, you are encouraged to [submit](#) a position statement and/or presentation topic. If you cannot use the application form, please answer the [application questions](#) and email your answers to [permissions-ws-2022-committee@chromium.org](mailto:permissions-ws-2022-committee@chromium.org)

Because the venue has limited space, you must receive an acceptance email to attend. You might wish to defer making non-refundable travel arrangements until you receive an invitation. Be sure to keep an eye on these important dates.

Our aim is to get diverse attendance from a variety of industries and communities, including:

- UI/UX designers and researchers;
- Privacy researchers;
- Regulators / policymakers;
- Privacy advocates; and
- Persons with expertise and/or experience related to accessibility, multilingual requirements, low connectivity environments, and the particular privacy needs of vulnerable individuals or communities

## Remote participation

This will be a hybrid workshop and we will support remote participants. Sessions will be set in Central European Time, however depending on interest we can endeavor to accommodate UTC-5 (Eastern Standard Time).

## How can I suggest a presentation?

This is a workshop, not a conference, and any presentations will be short, with topics suggested by submissions and decided by the chairs and program committee. Our goal is to actively discuss topics, not to watch presentations.

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- Position papers due: Oct 26
- Invitations sent to participants: Nov 7
- Program announced: Nov 9
- Workshop: Dec 5-6

*Note that because of the compressed schedule, we will be notifying attendees as soon as possible after we receive a statement of interest.*

## Program Committee (tentative)



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- Wear a mask in all indoor public spaces, including outside of the event. For meals in public venues, we recommend that attendees choose least busy, most well-ventilated establishments. This is particularly important:
  - During the 72 hours before attending the workshop
  - During your entire travel journey to Munich, Germany

## Event safety measures

- In-person attendees will be limited to 30
- FFP2/N95 masks will be provided if you forget yours
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## Local and federal health measures

In Germany you will likely be required to wear an FFP2 (or equivalent) mask on all public transit. Note that the rules may change depending on the health situation.

## What is W3C?

W3C is a voluntary standards consortium that convenes companies and communities to help structure productive discussions around existing and emerging technologies, and offers a Royalty-Free patent framework for Web Recommendations. W3C develops work based on the priorities of our members and our community.

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The Wayback Machine - <http://web.archive.org/web/20221111020024/https://www.w3.org/Privacy/...>



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- balancing well-specified permissions UX in standards with the ability for implementers to meet the future user and product requirements.

We aim to share experiences and user studies, leading to common understanding of how to ensure user comprehension and control of powerful capabilities while managing cognitive load. We would like to focus on usable security topics and thus propose to explicitly leave advertising-related

aspects out of scope. While there is some overlap, we believe this topic area is expansive and would like the outcome of this workshop to provide practical next steps related to permissions.

The workshop will build on the [W3C Workshop on Permissions and User Consent held in 2018](#).

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