

eWitness

Autograph

Euronotaries

The new digital bound of notary services

Miedzydroje, 8th June 2006 Riccardo Genghini

**euro
not@ries**

eWitness

The birth of Euronotaries

- In order to assure that the processes of transmission, digitalisation and storage of documents don't constitute an obstacle to the efficiency of companies and institutions, an activity of professional digital certification provided by a network of European notaries has come to life.
- Euronotaries use eWitness, a technology conceived to certify the whole cycle of data-life on the basis of strong authentication and cryptography of transmissions.
- eWitness is a secure and certified system of sending data based on open technologies (open source) and European standards in the field of strong authentication and digital signatures.

**euro
not@ries**

Miedzydroje, 8th June 2006

Why an eWitness

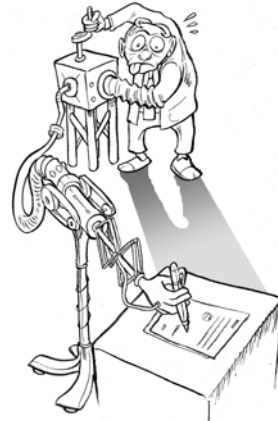
- Today the bit is chosen for the same reasons the ancient Romans chose the wooden tables
- Services (social engineering) are needed to make bits trustworthy (as with the wooden stones)
- Still for the most important (mission critical) legal acts witnesses are required
- The WYSIWYS problem
- The problem of technical complexity
- Separation between technologic and legal solutions

The WYSIWYS metafora

To sign digital data after having read them is functionally equivalent to: read a paper contract, hand it over to someone who leaves the room with the paper in hand, turns off the light and comes back, then sign such contract in the darkness, then get it back. REALLY !!!!

Technical complexity of DSs

- Only indirect control of the signing process
- No difference between data and data support
- No physical perception of the signing process
- No physical perception of the signed document



Are we socially ready for DSs?

- Is the DS closer to people today than wooden tables to people in ancient Rome?
- No „scribas“ needed?



A TTP (eWitness) is needed!



What is an eWitness ?



The eWitness...

- converts the role of the notary to the digital world
- builds technical environment to ensure consistency of digital data
- stores digital originals/copies for the long term
- makes the signature process verifiable (afterwards)
- delivers trustworthily data to controlling entities (auditors, tax authorities, arbitrators, courts, etc.)

How does eWitness work ?

- Higher security requirements than for example internet banking technology
- Uses highest standards for authentication in the digital world
- Uses highest standards for Digital Signatures ('Qualified Electronic Signatures')
- Easy integration into user systems without security deductions

How does the eWitness work ?



- How to document the signature (consensus) process?
- How to support data, without data support?

The Vision 1/3

- IETF PKIX is working on thereto related security features, like delegated path discovery
<http://www.ietf.org/rfc/rfc3379.txt>
- IETF LTANS is working on notereqs
<http://www.imc.org/ietf-ltans/mail-archive/msg00314.html>
- The European Telecommunication Standardization Institute of which I am one of the Chairpersons, started to work on technical specifications of legal documents to be signed and registered emails

The Vision 2/3

Internet is bracing itself for notarized services ...

... BUT ...

WHERE ARE
THE CYBERNOTARIES ?

The Vision 3/3

- The Cybernotary will be able to document not only the outcome of a negotiation, but also the legal data generation process !!!!

(i.e. the certification capability of the notary is going to grow, and not to diminish! What will be reduced is the impact of the notary on the TEXT of the agreement: he will mostly fix – witness- the CONTEXT of the agreement)

Impact of the eWitness

- Like moving from the Sponsio to the written document and from the formal document to the form free document of the lex mercatoria of the XII century, the new documentation form and technology will deeply impact on the content of the legal document: **more relevance to the document generation process, more relevance to the true representation of the consensus building process, less relevance of legal formalism!**

The future: with eWitness

- Legal documents will have a better documental value than paper today (no more Enrons!)
- Reproduction of the notary function/service in the digital environment
- Security of legal documentation achievable (at lower cost) for SMEs
- The notary function in digital environment will be performed by notaries
- Digital archiving will be a consortial effort (notary network or mixed consortia), not a service provided by single companies/entities

TRADITION MEETS INNOVATION!

The future: without ewitness

- Legal relevance of legal documentation that is technically weak(er)
- Devaluation of the role of trusted third parties (hypervaluation of disaster recovery, like in Germany and UK today)
- Security of legal documentation not achievable for SMEs
- The notary function will be performed by archival (disaster recovery) companies
- Seamless integration between law codes and source codes (Lawrence Lessig)

**TRADITION IGNORES INNOVATION ...
... INNOVATION KILLS TRADITION!**

Thank you for your attention

riccardo.genghini@euronotaries.it