













iab. Introduction and Opening Remarks



Shailley Singh Vice President, Product IAB Tech Lab













AGENDA

10:00-10:15AM Introduction and Opening Remarks

10:15-10:25AM Blockchain Working Group Updates

10:25-10:40AM Transparency Primer

10:40-10:55AM Network Pilots Updates

10:55-11:05AM SRAX Presentation

11:05-11:25AM RTBAsia Presentation

11:25-11:35AM Freckle Presentation

11:35-11:45AM Lucidity Presentation

11:45-11:55AM AdEx Presentation

11:55-12:10PM Privacy Chain Update

12:10-1:15PM Lunch

1:15-2:00PM Coin in Advertising Technology

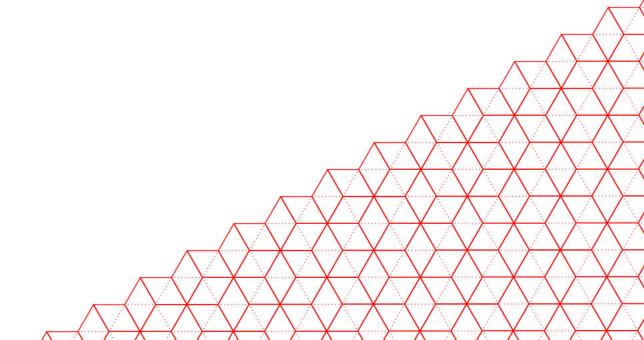
2:00-2:15PM AdNode Presentation

2:15-3:00PM Efficiency in Reconciliation Panel

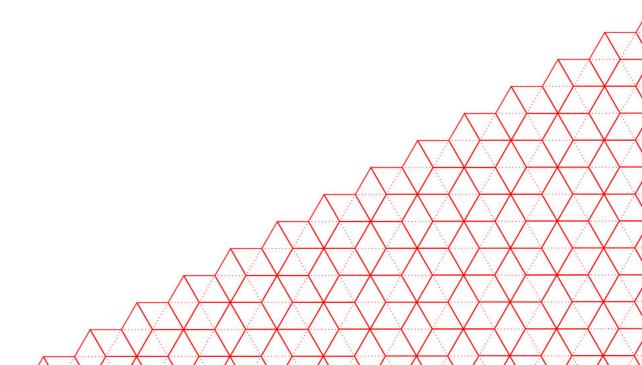
3:00-3:20PM Legal SEC/ Regulatory Topics

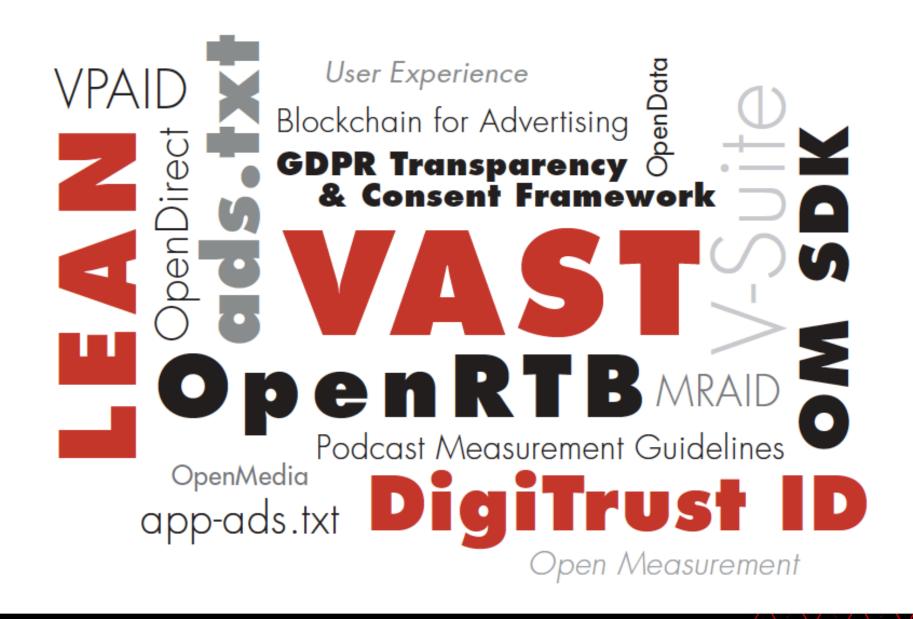
3:20-3:50PM Cryptography in AdTech

3:50-6:00PM Cocktail Networking



About Tech Lab









How We Help the Industry

Market Development

(supporting sales/marketing)

- Education & certification
 - Events & networking Best practices

Research

iab.

Proprietary Innovation

- Product/service development
- Packaging & pricing
- Operational excellence
- Competition

Member Companies



(supporting product development)

- Standardized protocols, specs, software, tools
- Compliance programs
- Quality, trust, consistency









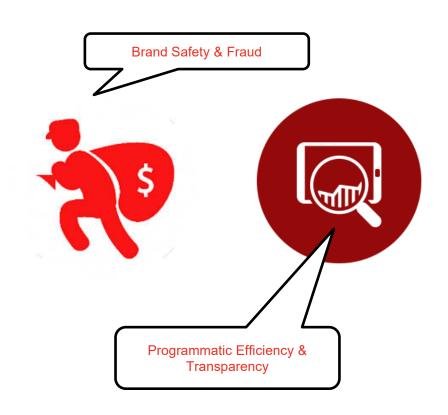


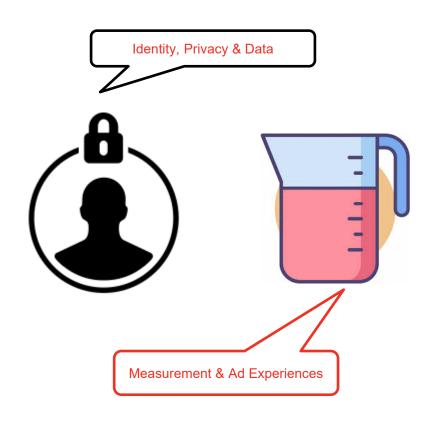






Tech Lab Themes

















Industry Challenges	Our Top Priorities	
Brand Safety & Fraud	ads.txt / app-ads.txt	jing Technologies Blockchain)
	Content Taxonomy	
Identity, Data, & Consumer Privacy	DigiTrust ID, Data Label Transparency	
	Transparency & Consent Framework	
Ad Experiences & Measurement	New Ad Portfolio	-
	VAST (4.x)	Emerging (Blo
	Open Measurement	盖
Programmatic Efficiency & Transparency	OpenRTB (3.0)	













Blockchain Working Group Updates



Richard Bush **President** NYIAX



Michael Palmer Global Vice President, Emerging Tech **Group** M











iab Blockchain Working Group

Very high interest: Agencies, Publishers, Ad Tech Vendors

150+ Member Companies 300+ Individual Members

Focus Areas











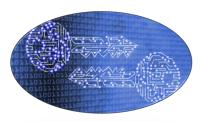


Initial Use Cases

Distributed Ledger



Cryptography



Consensus





Shared database

Trust and transparency

Integrity and unique records

Secure transactions

Ensures participant authenticity

Reliability

Limits fraud

Enables compliance

Better governance

Implements business rules

Self enforcing

Disintermediates transactions

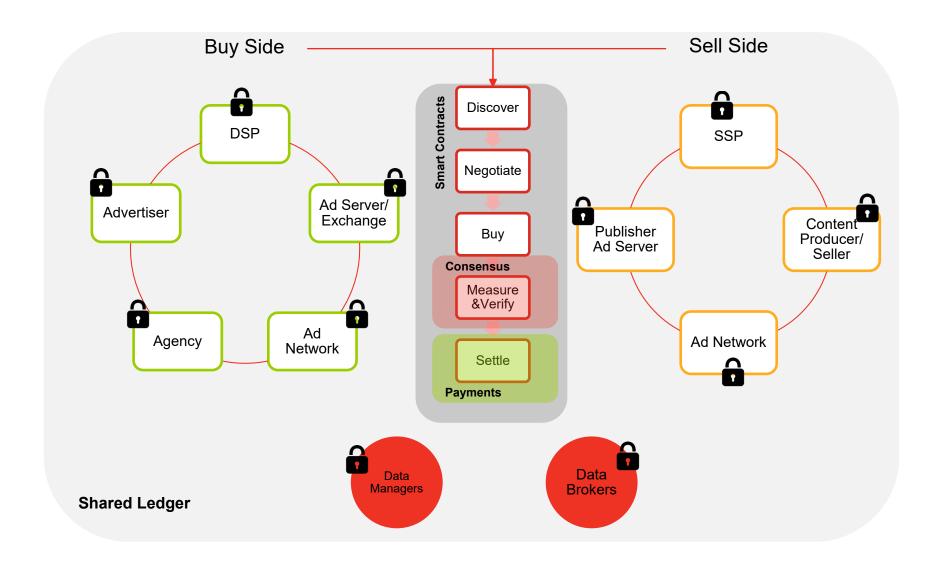
















iab. Blockchain Working Group Focus Areas

Resources Wiki **Technology Primer** Events and product Ш showcase

PrivacyChain Technolog₃ Transparency & **Smart Contract** Standards **Payment**

Real World Testing Industry best practices Lucidity, Metax, Xchng, FusionSeven and more in review













iab. Blockchain Working Group Sub Groups

Privacy chain

and building solutions

and building so groups

on Draft Primer for working group comment Interfacing with other groups

Taxonomy Data and **Analytics**











iab Blockchain Transparency Primer



Miguel Morales **CTO & Co-Founder** Lucidity @therevoltingx











Enforcing Transparency, Consistency, and Reliability in Digital Advertising
Using Blockchain Technology

INTRODUCTION



What is "The Trifecta"?

- A subgroup of the IAB Tech Lab's Blockchain Working Group
- Releasing primer document for public comment
- This presentation reviews the primer





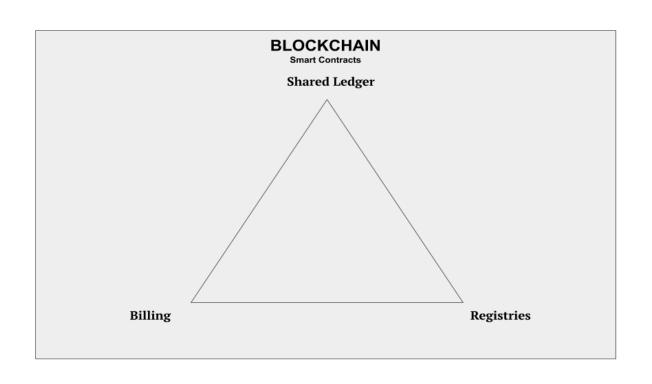






The Trifecta: 3 Key Areas

- Registries
- **Shared Ledger**
- Billing















What is "The Trifecta" Sub Group's Goals?

Educate the public on the usage of blockchain in digital advertising.

Designing protocols to bring trust to digital advertising using the blockchain.







REGISTRIES



- Common Usage of the Blockchain
- Think of a blockchain as programmable DNS
- Cryptoeconomics is fun

Blockchain Registry Examples:

- Ads.txt+
- **Publisher Reputation**
- Campaign Registry
- Consent Registry











SHARED LEDGER: OPENRTB OVERVIEW



Defining Transparency: Depth

- How much do you know about a given path of a bid request?
- Example
 - DSP knows the agency and the exchange
 - Exchange knows DSP and Publisher







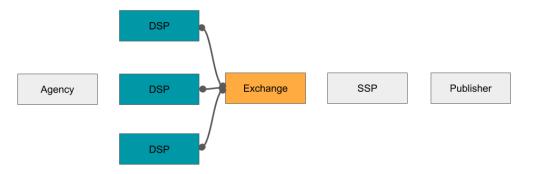






Defining Transparency: Height

- How much do you know about how others are behaving?
- Example
 - DSP does not know what other DSPs are bidding
 - Exchanges **does** know what DSPs are bidding









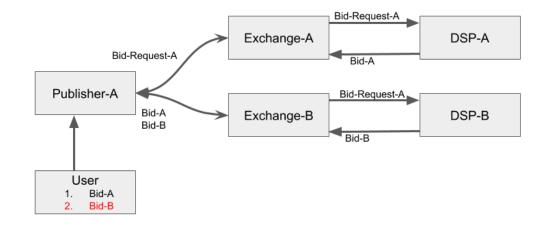






What We Want: Cryptographic Enforcement

- Auction Enforcement
- End to End Validation
- Examples
 - Malware
 - Parasite Campaigns
 - Bid Caching
 - Double Serving
 - Piggy Backing











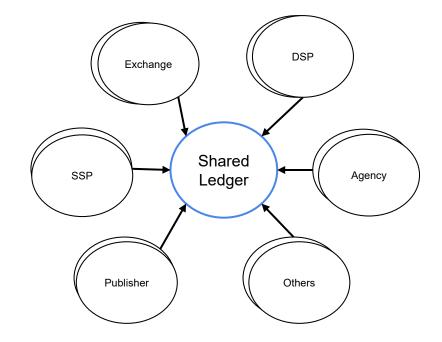


SHARED LEDGER



iab. Introducing: Shared Ledger

- Messaging layer for OpenRTB and Direct IO
- Provides:
 - Consistency
 - Transparency
 - Enforcement
 - Security
 - **Auditability**
 - Reconciliation















Identity: ads.cert & Blockchain

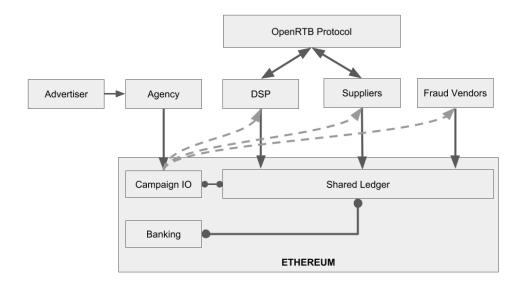
Ads.cert is cross-compatible with popular blockchains 👚

- secp256k1* used by Bitcoin and Ethereum
 - prime256v1 aka secp256r used in current ads.cert spec
 - ed25519 is faster, but poor support
- got an ads.cert? you already have a crypto wallet
- you can receive payments on that wallet
- you can resolve disputes using your wallet
- you can prove things using your wallet and the blockchain

Blockchains are Cakes



- Root layer: Bitcoin, Ethereum
- Second layers: Lightning, Sidechains, Plasma
- Third layers: OpenRTB, etc















Shared Ledger Guidelines

- Avoiding "Garbage-in, Garbageout"
 - Why are Ethereum smart contracts not vulnerable to this?
 - Dealing with digital goods (impressions, clicks, etc.)
 - Submitting aggregates susceptible to this problem
 - Event-level to emulate smart contract transactions

- Transaction IDs
 - OpenRTB 2.5+ Bid Request's transaction id for tracing
- Consistent Identity
 - Entities (publishers, DSPs, exchanges, etc) will primarily be known by their domain













Shared Ledger: Unified Reporting

- Across DSPs, Exchanges, etc.
- Consistent Measurement
- Agreeable Numbers
- Efficient Billing











Shared Ledger: Introducing Receipts

- Shared ledger receipts proves things that happened in the ledger
- Receipts provide proof of:
 - Inclusion/Exclusion
 - Computation
- Shared ledger proves transparency
- Did your agency and its vendors misbehave? Here's proof they did or didn't.











BILLING



Billing: Fiat First

- Fiat is still king.
- With consistent and agreeable numbers, comes efficient billing.
- No financial department would ever want to deal with a cryptocurrency like Bitcoin.













Billing: Stable Cryptocurrencies

- Blockchain has a few killer features
 - Smart contracts
 - Programmable incentives
 - Cryptocurrencies
- Self-sovereign payments and freedom are important

- Stablecoins are recommended
- Advanced shared ledgers supports smart-contract based crypto payments











CONCLUSION



Trifecta Primer: Conclusion

- Many issues solved by shared ledger
- We only provide guidance for registries and crypto payments
- We provide technical specifications for shared ledger

- Does not rely or require OpenRTB 3.0
- Primer document ready for public comments in the coming weeks stay tuned!











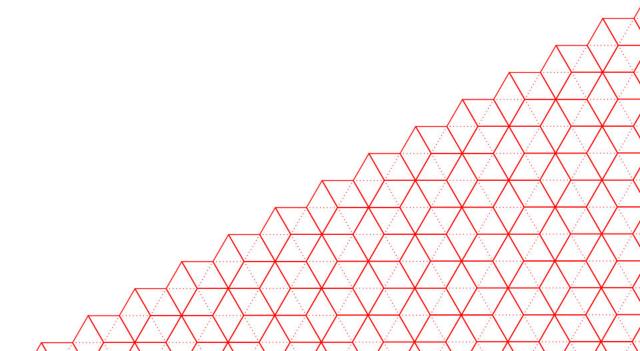
Thank You

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Mike Freyberger

Xandr







iab. Kochava/XCHNG - Network Pilot Update



Matt Hrushka **Product Manager** Kochava













Unified Audience Platform

- Universal Measurement for Connected Devices
- \$7B+ in Media Spend Measured Annually
- Configurable Attribution
- End-to-End Analytics
- Traffic Verification
- Fraud Mitigation
- ML-Driven Optimization Technology











Mobile-First DMP

· Over 5B Mobile Devices

Self-Service Audience Targeting

Self-Service Audience Enrichment

· White-Label DMP for Service Providers

· Natively Integrated into Kochava Measurement





KOCHAVA COLLECTIVE















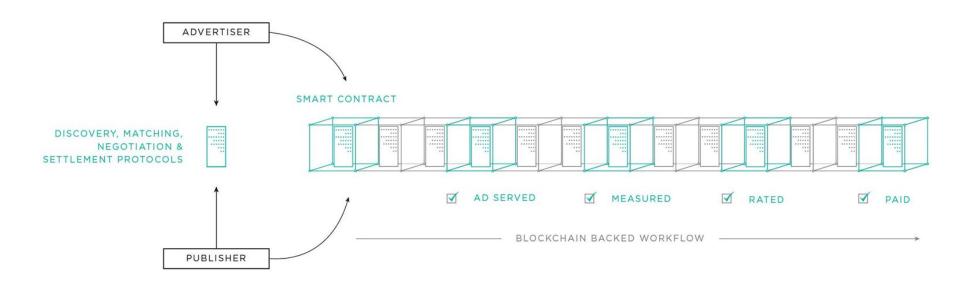








Revolutionizing Digital Advertising



STABILITY | **EFFICIENCY** SECURITY | TRANSPARENCY





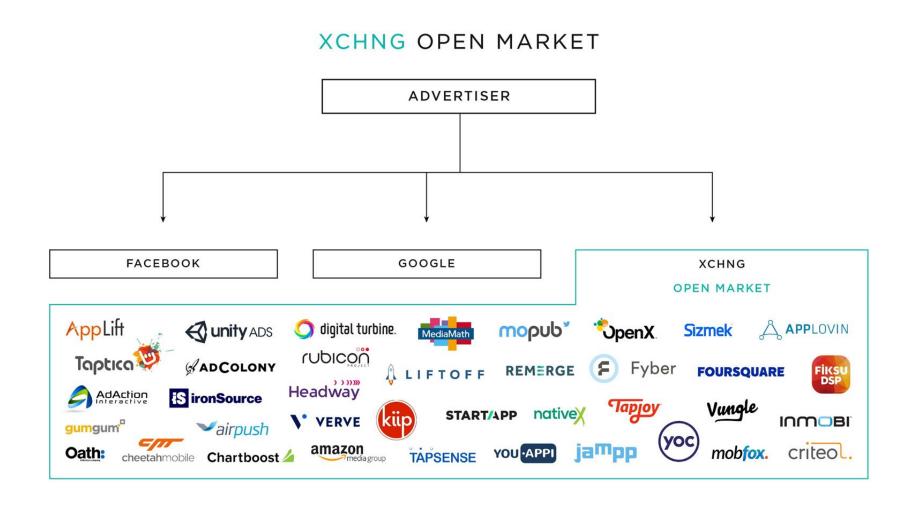








An Open Market Outside of Walled Gardens







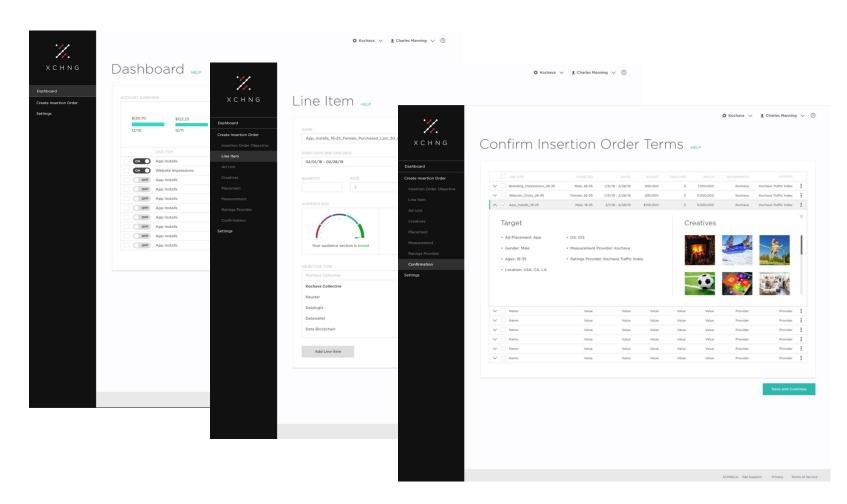








iab XCHNG Insertion Order Creation UI















MetaX- Network Pilot Update



Dayna Moon **Head of Client Services** MetaX



IlladChain Audits



May 7th, 2019









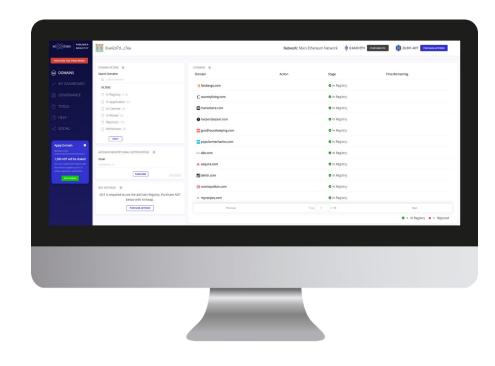




MetaX leverages Web 2.0 and blockchain technology to design real-world advertising solutions that elevate digital media standards and establish a transparent ecosystem.



Decentralized Global Whitelist of Domains



Fast Facts

- Deployed April 2018
- 1st dApp on Ethereum
- 3 Smart Contracts
- 119 Registered Domains

WHY?

- To provide advertisers with a community-vetted stamp of approval on the websites best suited for serving ads
- Highlight good actors
- Call out bad ones







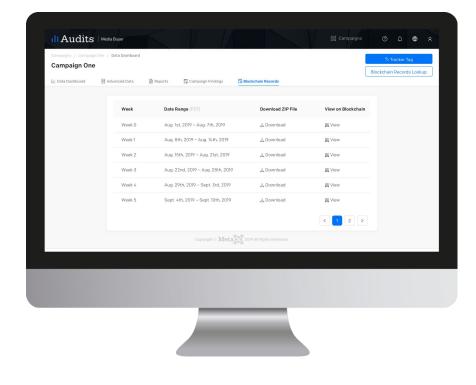






ide illadChain Audits

Independent ad fraud detection and analysis



Fast Facts

- 50+ campaigns
- Average fraud reduction 5%-30% for each campaign
- 15+ partners. Mixture of agencies, marketers, publishers

WHY?

- Need for objective displayed within the registry
- Immediate value add to the industry
- Truly scalable solution







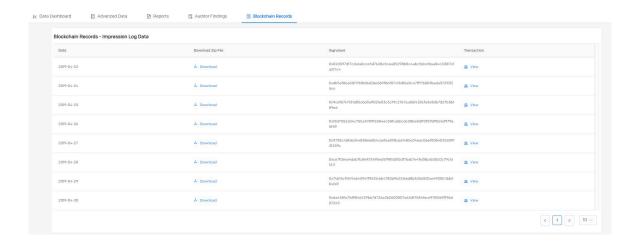






Blockchain Integration

How we're using it today



- Additional layer of security to prevent any tampering of data and ensure the quality remain intact
- Scalable solution today answering the need for data security













Iab Lucidity - Network Pilot Update



Sam Goldberg **President & Co-Founder** Lucidity











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Q2 2019

Blockchain Network Pilots Update

IAB TECH LAB

MAY 2019

SAM GOLDBERG, PRESIDENT/CO-FOUNDER

SGOLDBERG@LUCIDITY.TECH

Lucidity x IAB Tech Lab Network Pilots Update

20+ Pilot Campaigns

- More than 20 pilot campaigns completed
- Transparency Report with pilot findings published in Feb. 2019
- Progressed to next phase of pilots to assess different ad formats, onboard more platforms, and authenticate additional signals from the supply chain

FEATURED PILOT PARTNERS







SAATCHI & SAATCHI



ASSEMBLY













Industry Is Eager to Learn About Results & Use Cases

Marketing Land

Lucidity's new report shows a successful field test for blockchain-based ad optimization

The results indicate high levels of fraud and waste in the system, but large lifts for campaigns that optimize for authenticated inventory and providers.

Impression
Match Rate

H13%

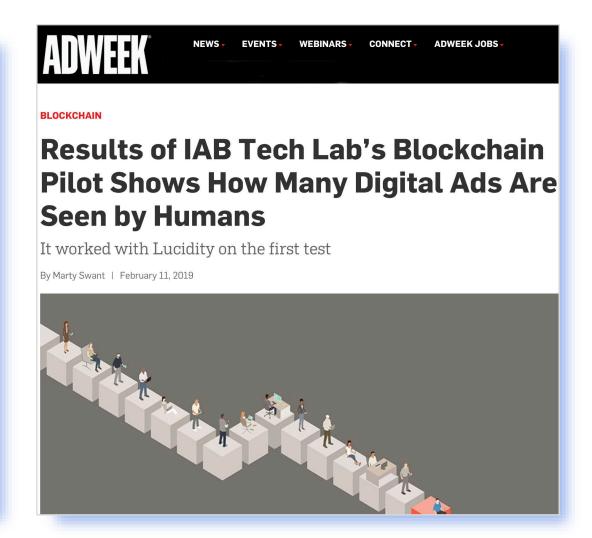
95%

61%

50%

UNOPTIMIZED OPTIMIZED

Impression and click match rates for mid-campaign optimization away from "discrepant" sources, per the Lucidity report.





Start your campaign with Lucidity in 3 easy steps

Accepting additional advertisers + partners



1 – ACCOUNT CREATION

Receive dashboard training and setup data feed

2 – CAMPAIGN SETUP

Add our tracker to your pixel

3 – CAMPAIGN OPTIMIZATION

Blacklist the highlighted placements called out on the Lucidity dashboard

INTERESTED IN A PILOT CAMPAIGN?

Reach out to hello@lucidity.tech

LUCIDITY.TECH

Lucidity

thank

VOU

MAY 2019

SAM GOLDBERG

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iab. SRAX Presentation



David James Stewart Head of Business Development SRAX / BIGtoken











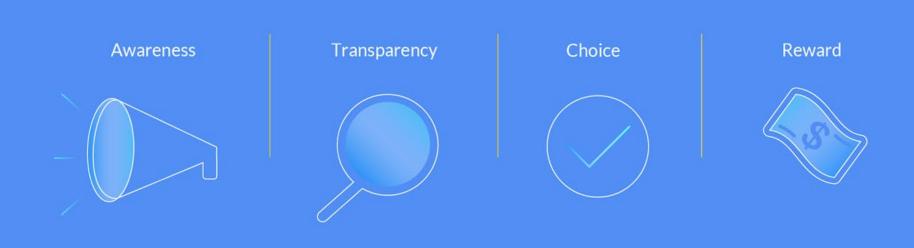


Blockchain Identity Graph (BIG) where consumers to own, verify and sell their data.

Who owns our data?

A consumer's digital footprint, including everything he or she searches for, views, reads, listens to, purchases, likes or comments on, is collected and sold in a data market that's currently worth over \$130.1 billion. While the data market takes its value from consumers, it offers little value in return.

But what if new technology enabled us to create an equitable relationship between consumer and corporate data interests? The market opportunity would be exponential.



BIGtoken puts data back into the hands of consumers

Choice

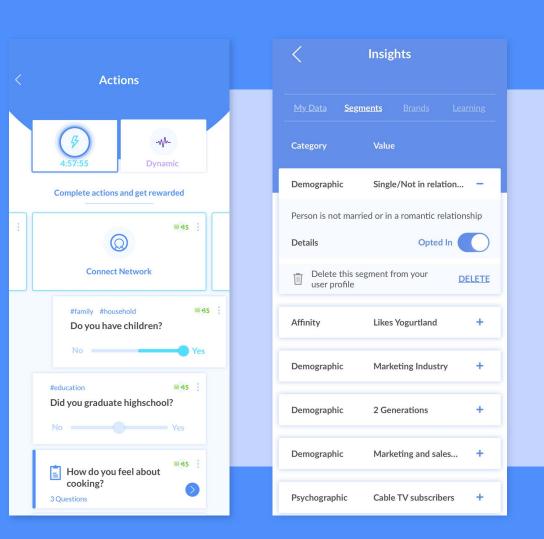
Consumers decide what Data is shared, who can Buy it, and how it's used.

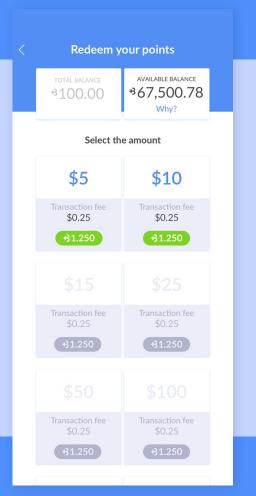
Transparency

Consumers are fully aware of how their data is used.

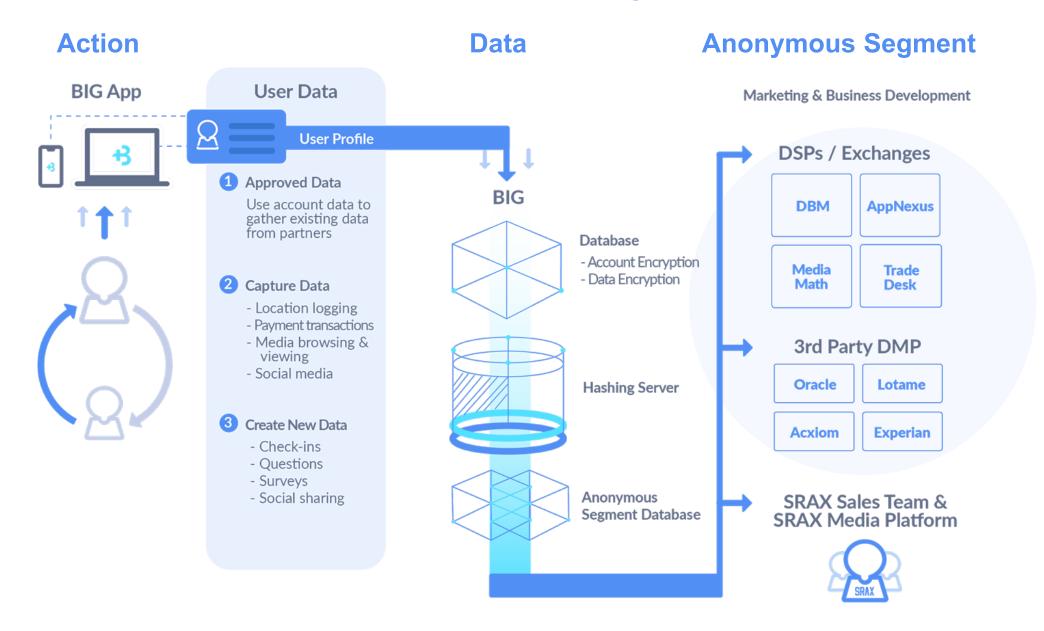
Compensation

Consumers earn when they opt-in to sharing their data and when that data is purchased.





Data Journey



BIGtoken provides accurate and verified consumer data for marketers

Data collection before BIG

Data collection after BIG

Data Quality

Advertisers reach real, responsive audiences to target across all channels.

Data Accuracy

Advertisers gain consumer data that is passed through multiple layers of verification.

Data Transparency

Advertisers have full transparency on consumer data and data transactions.



Large Third-Party Data Set
More than 50% of data on Kris Nelson
is incorrect.

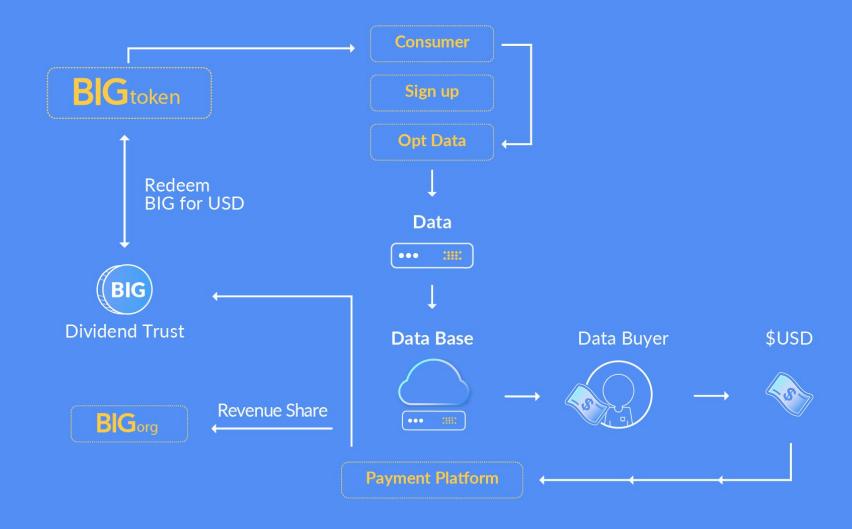
BIG Data Set

Data on Kris Nelson is verified and correct.

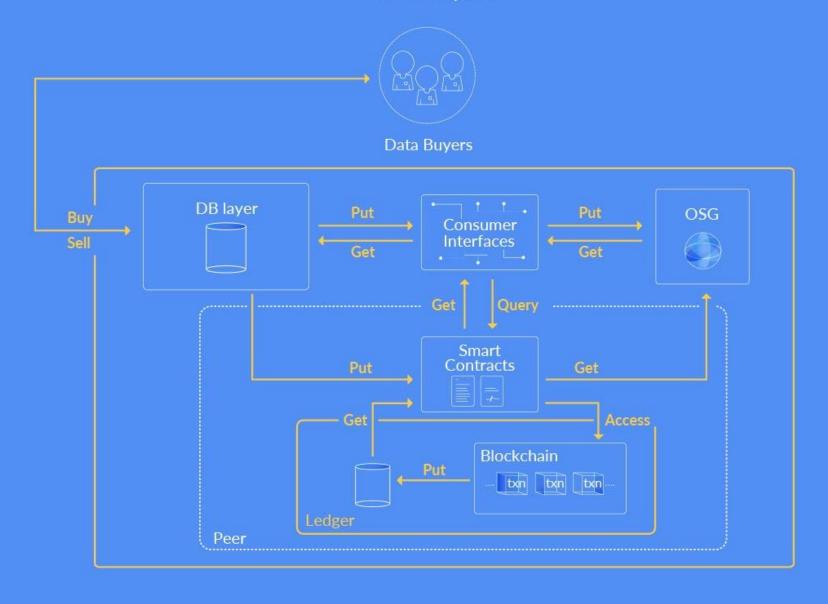
True Consumer Consent

BIGtoken Economics





Product Ecosystem



Thank you

Join my BIGtoken network with code MYDATA

David James Stewart





DIF (Distributed Invalid Traffic Filter) A Collaborative Effort to Filter Invalid Traffic



Andy Fan Chief Executive Officer RTBAsia

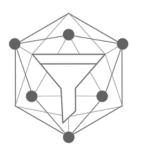












DIF: Distributed Invalid Traffic Filter

DIF is a <u>private chain</u> designed to make <u>collaboration</u> in digital advertising ecosystem more <u>efficient</u> and <u>transparent</u> in the effort of combating invalid traffic.

DIF is open to the entire digital advertising ecosystem, including <u>ad tech</u> <u>companies</u>, <u>publishers</u>, <u>advertisers</u>, <u>agencies</u>, <u>industry associations</u>, <u>academic institutions</u>, <u>compliance auditors</u> etc.



The Team Behind DIF Project

Organizer

Technology Provider

Private Chain Members









The DIF project is initiated by MMA China and CAA invalid traffic working group, and follows the charter and rules laid out by MMA China and CAA





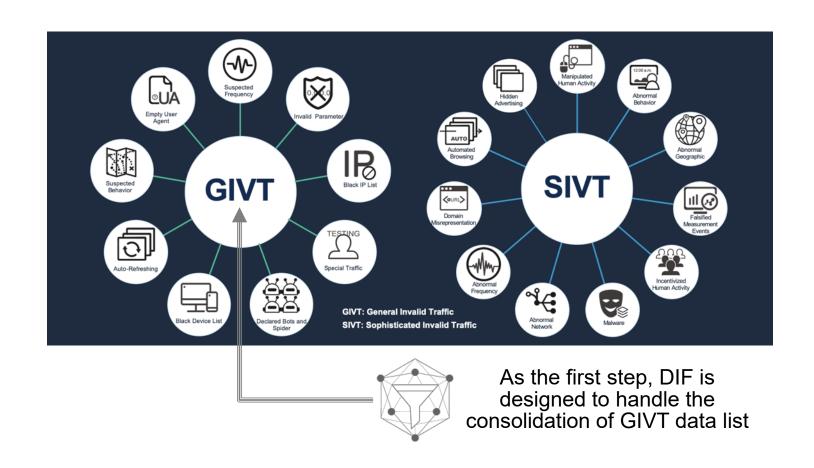








The Problem That DIF is Tackling Now: GIVT





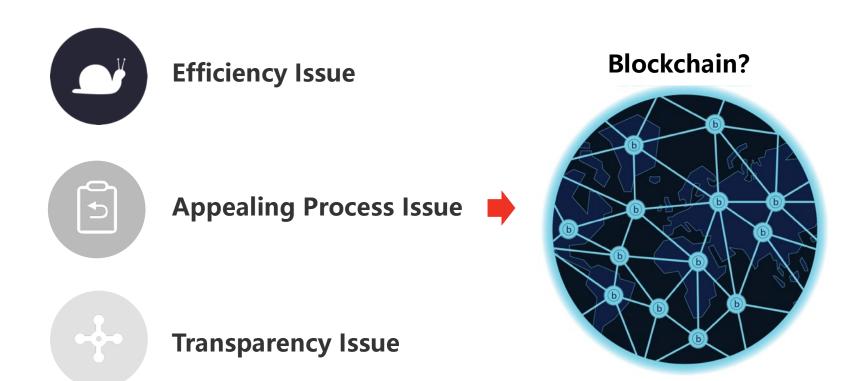








The Challenge in Building GIVT Data List Before DIF









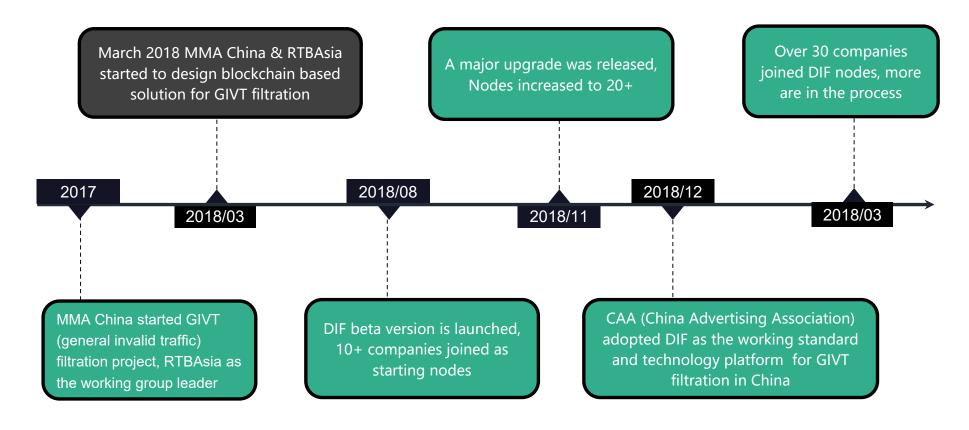






Brief History of DIF

GIVT List 区块链应用发展历程















iab DIF Members/Nodes



DIF Nodes In Preparation

nielsen 尼尔森

INMOBI







受數字精准 GIGITAL PLUS



Trendy



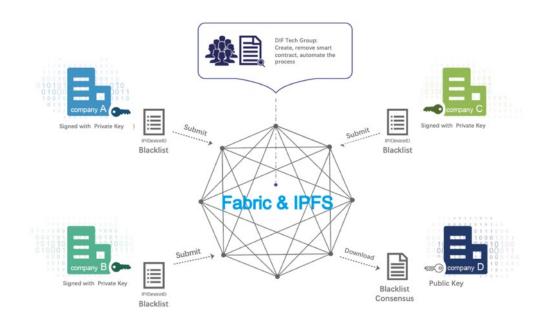


小米营销 E.MI.COM



Technology Inside DIF

A live distributed ledger of 50,000+ IP addresses and 6 million+ Device ID



DIF Output Now:

- GIVT Source IP address (filtration-list)
- GIVT Source Device ID (filtration-list)
- Device ID Default Values (grey-list)
- Publisher Server IP Address (grey-list)

Planned New Features:

- GIVT source user-agent list (filtration-list)
- Domain filtration-list







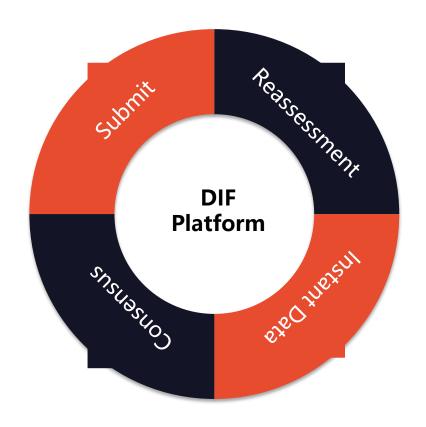






iab. Functionalities

- **Submit GIVT List Candidate Data** Each node can submit their data for collaborative filtration
- **Submit Request for Reassessment** Each node can submit request for the entire network to vote on corrections
- **Transparent Consensus** Rules and laws is clearly written in codes and recorded in distributed ledger at every nodes
- **Instant Data Access** Each node can generate full GIVT list data without delay or dependency on centralized mechanism









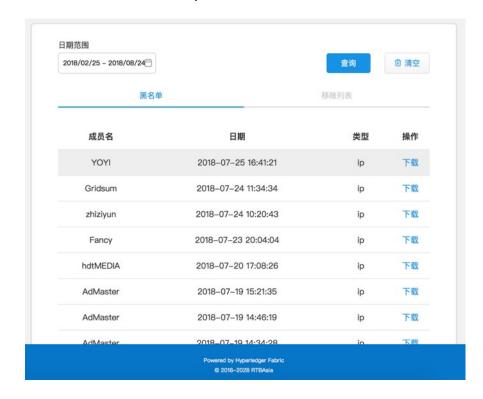






Product Screenshots

Submit Data / Generate GIVT List



















How DIF Works

- DIF working group charter is inherited from the offline meeting rule, all decisions requires 2/3 of the vote
- IP address filtration-list candidate data requires a minimum of 2 votes to enter the list
- Mobile device ID default value candidate data requires a minimum of 2 votes to enter the list
- Mobile device ID filtration-list candidate data will enter the list automatically
- Each node can start appealing process and it takes 4/9 members' votes to remove mistake data















Technology Specifications

DIF is developed based on <u>Hyperledger Fabric</u> and <u>IPFS</u>

GitHub: https://github.com/tagphi/dif-client

Minimum Hardware and network requirements for each DIF node:

- OS: CentOS 7.3
- Memory: >4G
- HDD: >500G
- CPU Core: >2
- Docker: 18.03.0-ce
- Docker Composer: 1.20.1
- IP address: 1
- Ports: 80, 7051, 7053





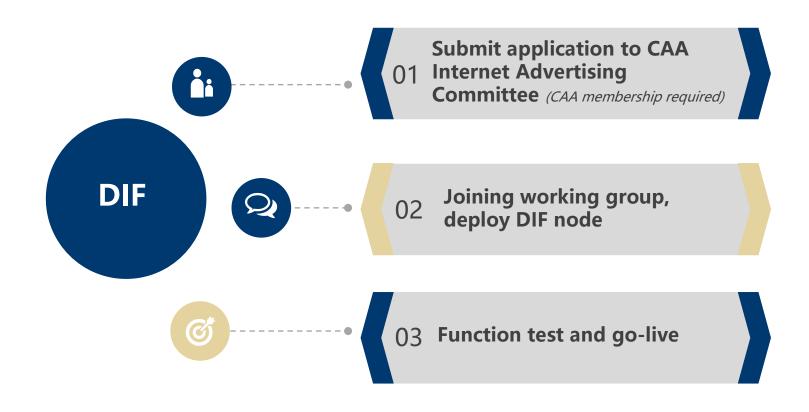








iab How to Join DIF















Our Learning and Future Plan

Learning:

- Reaching consensus on functionality design and rules is far more challenging than technology development
- "UBO" identification is important, DIF piggybacks on MMA China membership status and CAA member ship status to simplify the qualification process
- Advertisers' participation will greatly drive the growth of the DIF network

Future Plan:

- Keep it as a not-for-profit project and open-source project, and there should be no boundary in features
- Expand to area beyond GIVT, such as processing of IP geo-location correction
- Evaluate anonymous mode, so as to build an influencer rating list and issue log for marketers, as suggested by advertisers













Thank You



Freckle Presentation



Neil Sweeney Founder & CEO **Freckle**















iab Lucidity Presentation



Sam Goldberg **President & Co-Founder** Lucidity











LUCIDITY. TECH



Q2 2019

Introducing Confirmed Impressions™

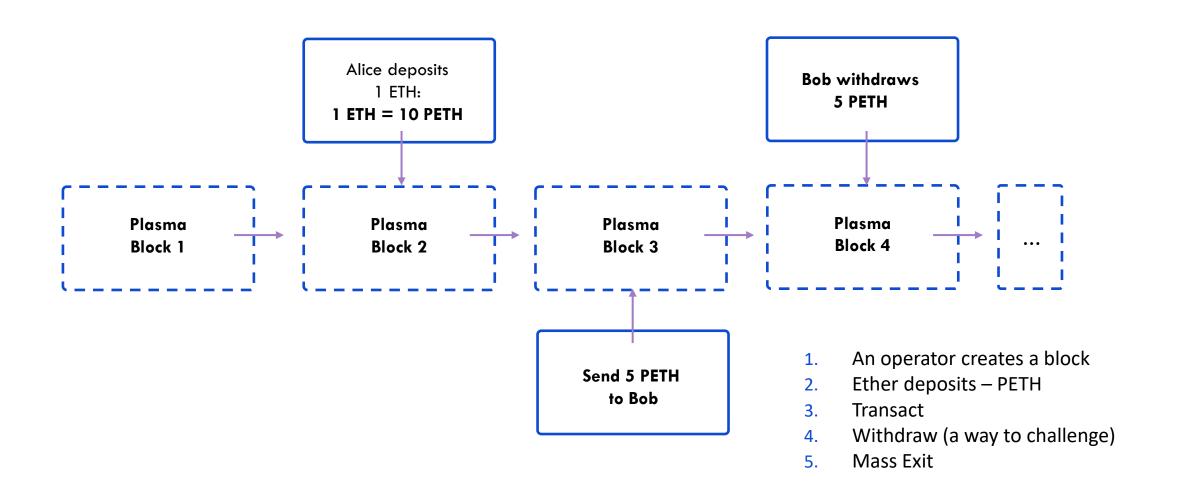
Auditable, Event-Level Data to Confirm You're Getting What You Paid For

MAY 7, 2019

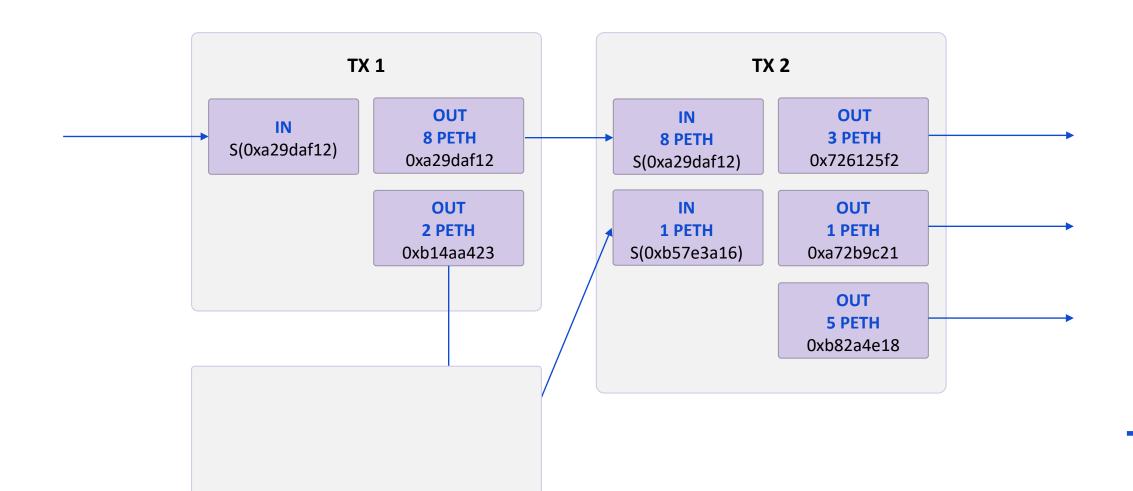
SAM GOLDBERG | PRESIDENT & CO-FOUNDER

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Plasma Basic Workflow



Transactions: UTXO Model





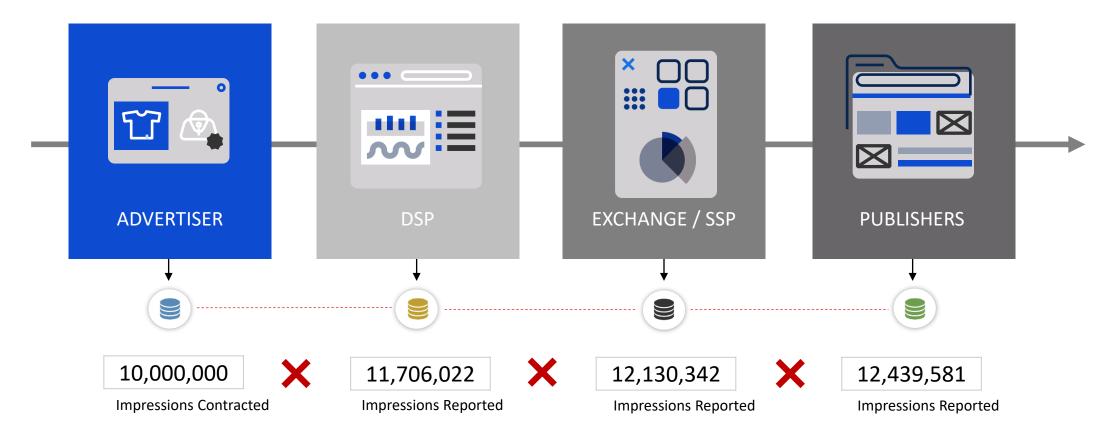
Lucidity

We Use Blockchain to Authenticate Every Impression and Click

Lucidity arms marketers with Confirmed DataTM so they can maximize what is most important to them. Knowing when an impression has been properly sent and recorded from vendor to vendor provides a unified view that was not possible before.

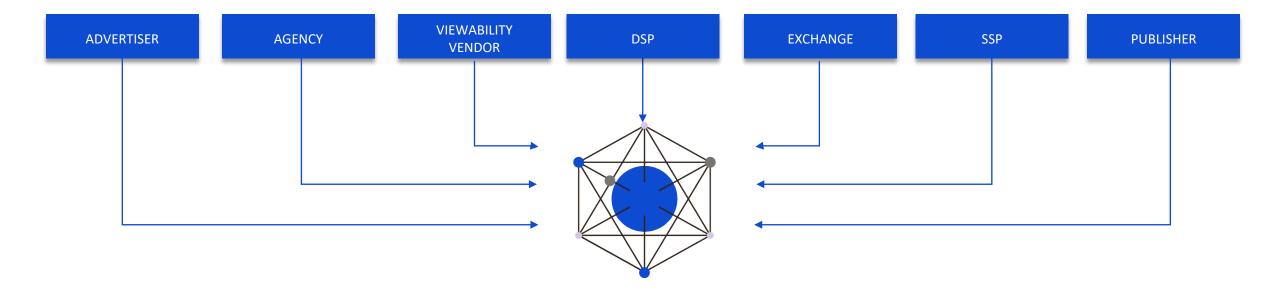






The ad supply chain is full of discrepant, inconsistent data creating opportunities for fraud, waste and inefficiency



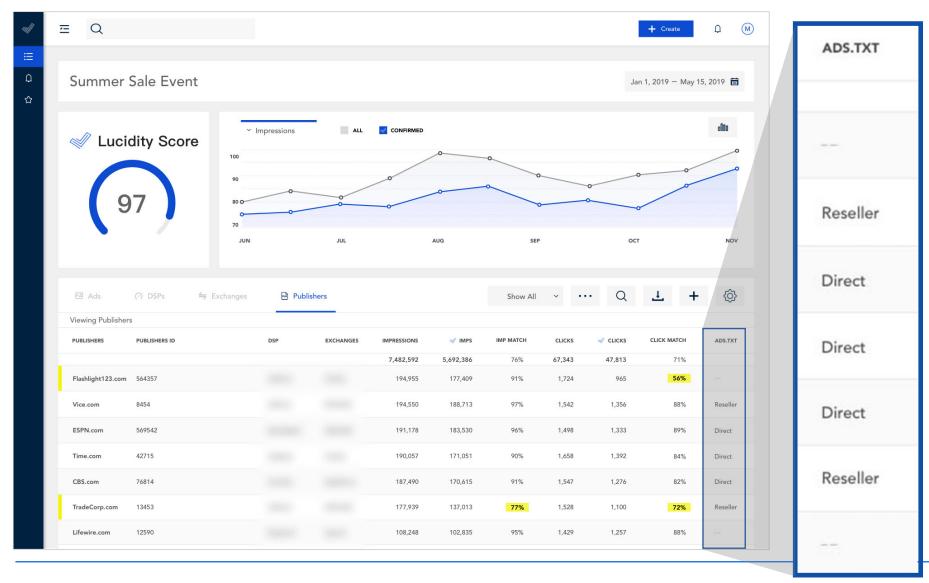


Solution: We use blockchain to generate a clean, unified Confirmed Data™ set for marketers

First-look: Lucidity's new ads.txt feature

- For the first time, see if your impressions truly ran on ads.txt authorized inventory
- Actionable campaign data (versus a pre-bid filter)
- First ads.txt solution to use blockchain authentication
- Crucial signal to flag counterfeit inventory
- Works in conjunction with Confirmed DataTM to provide unified view of cleanest possible impressions across the supply chain

Lucidity



≪Lucidity



CONVENIENT TO USE

Easy Setup. No changes to end user work flow

SAFE TRANSACTIONS

Hashing + encryption keeps your private data private

FAST + SECURE

Processes the high frequency throughput required in digital advertising

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Lucidity

thank

VOU

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iab AdEx Presentation



Dylan Dewdney Head of Business Development AdEx









PRODUCT DEMO

AdEx: An Ad Network for a Cleaner Web



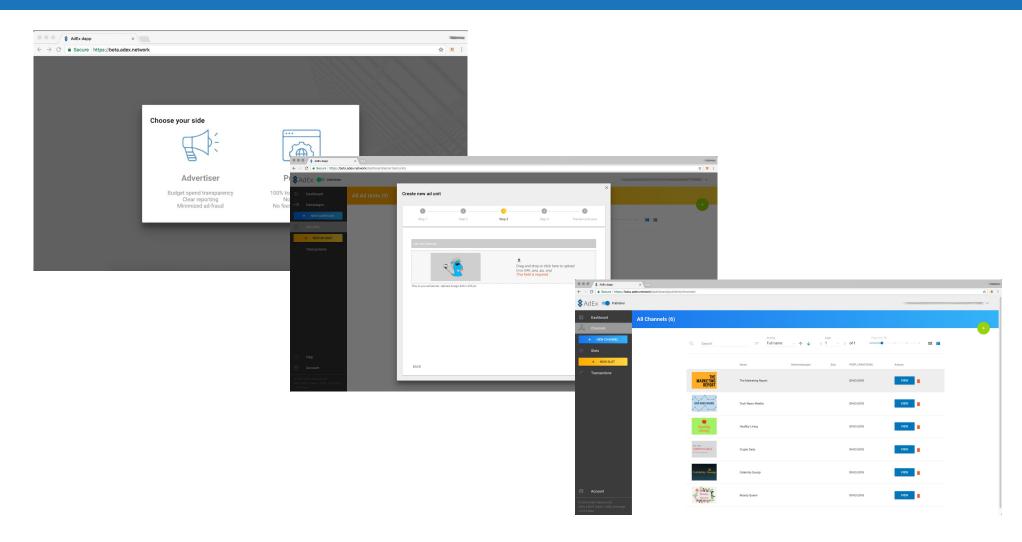
AdEx: An Ad Network for a Cleaner Web

Join us for a product demo of AdEx Network, a new generation ad network that:

- Helps reduce ad fraud
- * Helps optimise advertising budgets
- Protects end user privacy



AdEx: An Ad Network for a Cleaner Web







iab PrivacyChain Update



Shailley Singh Vice President, Product IAB Tech Lab













What is PrivacyChain

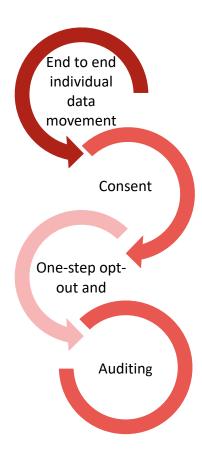
PrivacyChain: A Blockchain-based opensource standard for Consent Management

A next-generation technology platform for implementing privacy protocols

Conceived as evolution of the current technology

Allows all members of the supply chain to more easily implement privacy controls and standards like TCF based on a single, shared, distributed ledger and smart contracts

https://github.com/InteractiveAdvertisingBureau/PrivacyChain









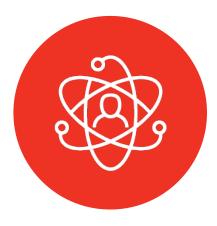






Permission Management Platform

Individual



Consent Management & Data **Movement Tracking**

Business



Data Movement Tracking

Data Supply Chain Data Collectors . Data Processors Simplifies implementation for small publishers

Regulator



Auditing













Identity and Privacy Subgroup

- Currently ~ 40 volunteers representing 25+ companies
- Six working teams
 - Product Management
 - Engineering
 - Go-to-Market
 - Communication
 - Community
 - Policy Coordination
- Special working team for identity

Policy Coordination ← IAB TCF Working Groups





































Identity and Privacy Subgroup

Founded by Arthur Coleman, OpenX Current leadership team:

- Wendell Baker, Verizon Media
- Joe Hsy, LiveRamp
- Lily Chang, Viacom
- Kees Schouten, NYIAX
- Vadislav Kuchemsik, NYIAX













Engaging with PrivacyChain



Presence

Provide a PM and engineer to the leadership team

Specification

Review the specifications and provide feedback

Governance

Design policies and guidelines

Prototype

Build your testbed

Beta Go live with partners













Proposed Beta Functions

Establish TestNet

- Hyperledger Fabric
- Setup up PoET-based consensus algorithm
- Encryption protocols

Endpoints to develop (simple implementation only)

- /register/anonymous
- /register/known
- /partner
- /transfer
- /retrieve

Test scale, stability, retrieval and response times under PoET



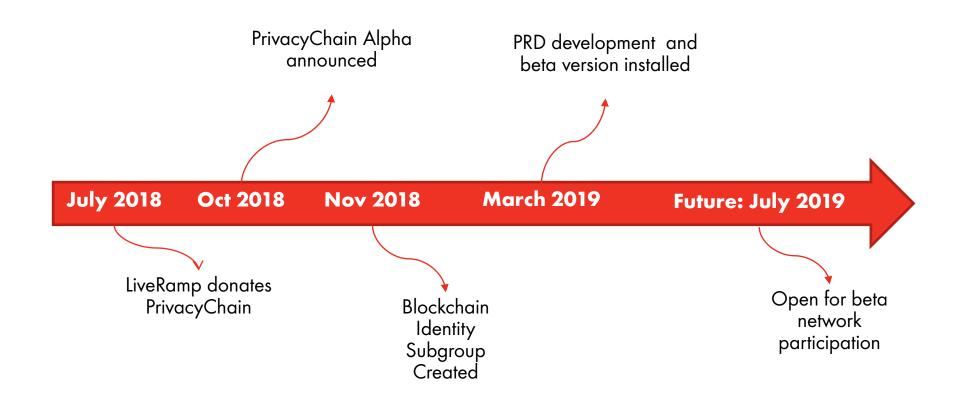






















PrivacyChain Demo



iab. Coins in Advertising Technology (Panel)



Richard Bush President, NYIAX (Moderator)



Dylan Dewdney Head of Business Dev AdEx



Matt Hrushka **Product Manager** Kochava



LuRae Lumpkin Chief Executive Officer Blockchain4Media



David James Stewart VP, Business Development SRAX













iab. AdNode: Accountability for Digital Marketing



Michael Rodov **Chief Executive Officer AdNode**







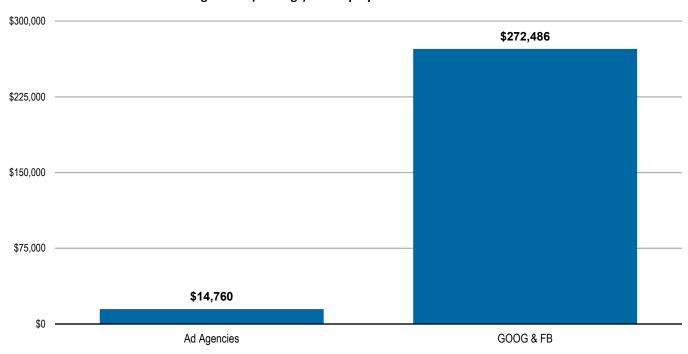






Digital Ad Buying is Inefficient and Manual

Average Profit (Earnings) Per Employee



Source: 2016/2017 Full-Year Company GAAP Reported Financials. Ad Agency industry category is composed of the five largest publicly traded ad agency holding companies by market capitalization. Net profit is calculated as the greater of 2016 or 2017 full-year performance. All currencies converted to USD based on February 2019 exchange rates. Figures represent weighted-averages.















Challenges in Digital Marketing

- Inefficiency from inventory reconciliation
- Inefficiency from viewability & ad fraud
- Inefficiency from missed opportunities

"As much as 56% of all ad dollars were lost due to fraudulent or unviewable inventory." - Forrester Research

Source: Forrester Research, 2018









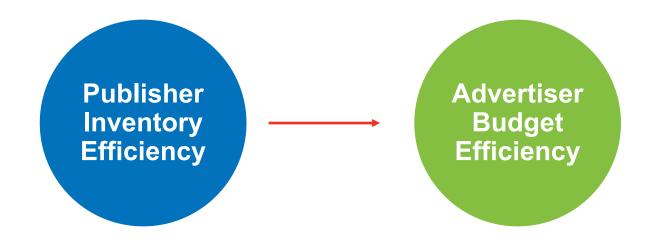








Inventory Efficiency Creates Budget Efficiency

















The Diffusion of Responsibility in Digital Advertising

Brands expect agencies to solve the transparency and ad waste issues. Agencies place the responsibility on publishers. Publishers place the responsibility on vendors and back on agencies. The "blame game" ensues.

















The AdNode Platform



Smart Insertion Order Contracts

Create smart contracts with pre-defined terms setting criteria for "good" impressions that are viewable, brand-safe, or audience verified and not wasteful or fraudulent.



Near Real-Time Verified Reporting & Audit

Benchmark performance and costs of ad units of publishers in near real-time to quickly verify outcomes and shift spending to more efficient programs.



Automated Order Reconciliation

Invoices are automatically generated based on blockchain records including smart insertion orders and ad impression delivery reports verified by trusted, independent vendors.

















iab. AdNode Platform Benefits



Efficiency

Buy conforming ad impressions at the best price based on near real-time independently verified data on the blockchain.



Reconciliation

Invoices are automatically generated and final with blockchain-certified sales receipts attached.



Visibility

Provide transparency to advertisers that request view-ability, brand safety, audience and pacing data that is blockchaincertified.















Budget Efficiency









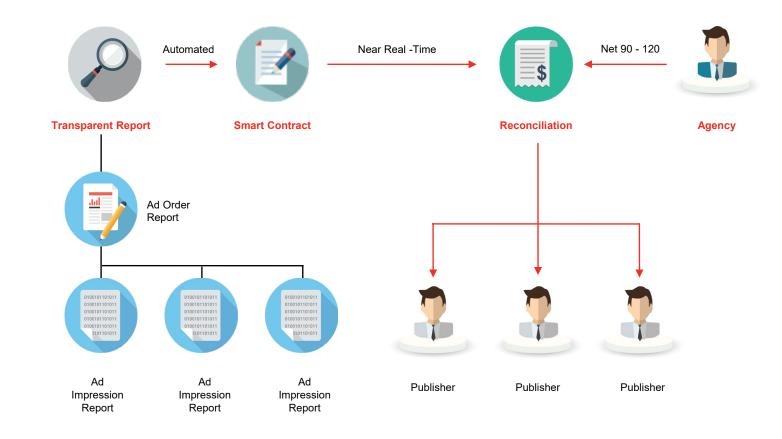








iab. Fully Automated Reconciliation: Floats Remain

















Insight: Identify Non-Billable Impressions in Near Real-Time

















iab AdNode Smart Contract Deal Types



Guaranteed Direct

- Fixed successful price
 - One-to-one deals
- Guaranteed volumes



Programmatic Preferred

- Fixed successful price
- Invitation-only deals
- Non-guaranteed volumes









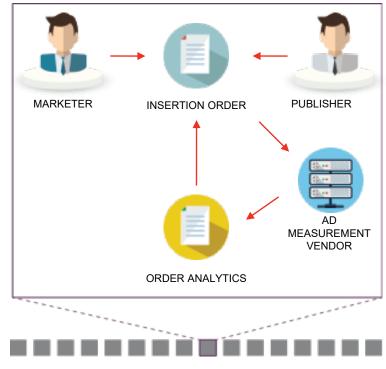






iab. AdNode Guaranteed Direct Smart Contracts

- Marketer and publisher agree to a success-based advertising order; select ad measurement companies
- Publisher delivers advertising



Ongoing transparency on publisher performance across all campaigns for connections

- Ad measurement company posts campaign delivery data
- Order reconciled in near real-time based on smart contract











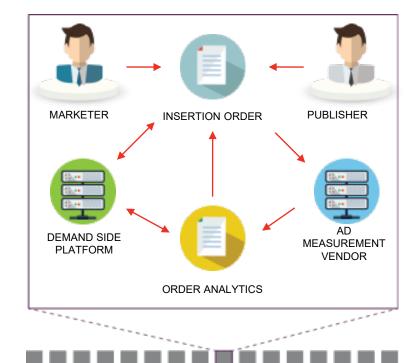




iab. AdNode Programmatic Preferred Smart Contracts

Marketer establishes smart contract policy, validator list and approved publishers for campaign

- DSP sets pricing and maximum volume for inventory line items
- Invite-only publishers deliver inventory



Ongoing transparency on performance and delivery (below 10-20ms) for DSP to automatically adjust pricing

Ad measurement company posts campaign delivery data

Order reconciled in near realtime based on smart contract terms















iab AdNode.io Platform Technical Checklist

	AdNode
Platform: Easy-to-use Online Product and APIs	
Integrate Existing Ad Measurement Vendors and Publishers	
Customize Guaranteed Direct and Programmatic Preferred Programs	
Blockchain in the Background: No Crypto or Blockchain Knowledge Required	
Near Real-time Reporting: 15 Millisecond Data Rate	
Rapid Blockchain Validation: Consistently under 1 Second	
Scalable: Validates 1,500 Ad Impressions / Second / Server	
Easy Integrations: ETL Abstraction Layer	/









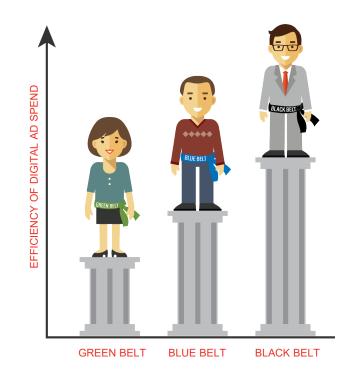






iab. AdNode: More Good Impressions With Less Work

- **Budget efficiency**
- **Operational efficiency**
- Visibility



















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iab. Efficiency in Reconciliation (Panel)



Michael Palmer Global VP, Emerging Tech **GroupM** (Moderator)



Ivan Guzenko **Chief Executive Officer Smartyads**



LuRae Lumpkin Chief Executive Officer Blockchain4Media



Sam Goldberg **President & Co-Founder** Lucidity



Michael Rodov **Chief Executive Officer** AdNode













iab Legal SEC/Regulatory Topics Update



William Brannan Counsel Lowenstein Sandler LLP





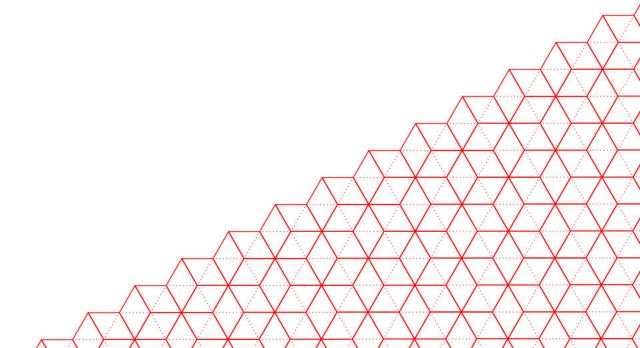






The Evolving Regulatory Landscape of Digital Assets

Where do we stand?





- The SEC recently provided regulatory guidance concerning digital assets via:
 - A framework for determining when a digital asset is a security under the Howey "Investment Contract" analysis; and
 - A No-Action Letter for TurnKey Jet, Inc. where the SEC determined a particular token offering was not an offering of a security.
- Despite this recent guidance there are other regulatory issues and concerns, including:
 - Status of a bitcoin exchange traded fund (ETF);
 - Guidance on the custody of digital assets and broker-dealers; and
 - The Token Taxonomy Act.







Recent Guidance from the SEC

On April 3rd, the SEC provided guidance, via two documents, that provided more insight into the intersection of digital assets and the U.S. securities laws:

- 1. The "Framework for 'Investment Contract' Analysis of Digital Assets"; and
- The "TurnKey Jet, Inc. No-Action letter".
 - TurnKey Jet, Inc., a jet-leasing company, wished to sell a digital token that would provide consumers access to charter flights without filing for securities registration.

Previous guidance by the SEC was given primarily through speeches, vague statements, and enforcement settlements.

Both of these items provide the most substantive guidance to date regarding the view of the SEC on digital assets.













Recent Guidance from the SEC

The Framework for "Investment Contract" Analysis of Digital Assets

The Framework applies the investment contract aspect of the <u>Howey Test</u> to digital assets to determine when they should be considered a security.

An investment contract is: the investment of money in a common enterprise with a reasonable expectation of profits to be derived from the efforts of others.

Divided into three parts:

- 1. <u>Investment of Money</u>: An asset is purchased/acquired in exchange for value;
- 2. Common Enterprise: Fortunes of the purchasers and promoters are linked; and
- 3. Profits: Is there a Reasonable expectation of profits from efforts of others.
 - 1. Two subparts: (1) reliance on efforts of others and (2) reasonable expectation of profits.









The Framework – Reliance on the Efforts of Others

<u>Two</u> questions to consider for reliance on the efforts of others:

- Did the purchaser of the digital asset reasonably rely upon the efforts of an "Active Participant" ("AP") typically a promoter, sponsor, or other third party?
- Were efforts of the AP significant (essential managerial efforts affecting the success or failure of the enterprise), for example:







Framework - Reasonable Expectation of Profits

<u>Profit</u> - capital appreciation of the digital assets resulting from the development of the investment or enterprise. Price appreciation that results solely from external market forces is not generally considered profit.

Other factors to determine when there is an expectation of profit:

- Is the digital asset transferable or traded on a secondary market or platform.
- Is the digital asset offered to potential purchasers or expected users.







Framework - When Digital Assets are not an Investment Contract

The SEC also noted the importance of the economic realities of the digital assets and provided factors that would make it less likely the digital asset would be considered an investment contract:

- When the network and digital asset are fully developed and operational.
- Where the digital asset can be used for its intended functionality.
- The digital asset can immediately be used to make payments or act as a substitute for real (or fiat) currency.
- The digital asset can be redeemed within a developed network or platform to acquire or otherwise use those goods or services.







Recent SEC Guidance

TurnKey Jet, Inc. No Action Letter

A No-Action Letter is written by the SEC indicating that it will not recommend legal action should the entity requesting the letter engage in a proposed course of action. For TurnKey Jet, Inc. ("TKJ") the SEC stated they would not recommend enforcement action if it offered its "Tokens" under the following circumstances:

- No funds from the sale of TKJ Tokens are used to develop its platform, network or app.
- TKJ Tokens are immediately usable at the time of sale.
- Transfers of TKJ Tokens are restricted to TKJ wallets only.
- The price is set to one U.S Dollar per TKJ Token.
- Any repurchases by TKJ would be at a discount.
- TKJ's marketing would emphasize the functionality of the TKJ token.

The letter is particular only to TKJ but it, along with the Framework, set forth the SEC's focus on whether a digital asset is an investment contract.







Other Regulatory Issues, Concerns, and News

Bitcoin ETF approval

Thus far no ETF proposal has received SEC approval. In prior rejections the SEC's focus has been on:

- Preventing fraudulent and manipulative practices including:
 - The lack of transparency within the market, the volatile price history of bitcoin, fraudulent ICOs, and the lack of spot exchange surveillance-sharing agreements or independent surveillance procedures.
 - The relatively small market size and lack of liquidity in the market, which could lead to manipulation of the price.









Other Regulatory Issues, Concerns, and News

<u>Custody and Broker Dealer Registration</u>

The proper custody of digital assets is a large concern of the SEC and FINRA yet neither have issued any meaningful guidance on how they expect custodians to properly maintain custody of digital assets or registration requirements. Recently the SEC posed the following questions to interested parties:

- What are the compliance challenges with the "Custody Rule" and digital assets.
- How should concerns about misappropriation of digital assets be addressed?
- What is the settlement process and potential risks of P2P digital asset transactions?
- Can decentralized ledger technology be used for ownership of securities?







Broker-Dealer Custody Issues

The issue around the custody of digital assets is as follows:

While broker-dealers can verify they have access to particular digital assets they have difficulty proving that no one else can access the holdings (i.e., no one else has the private key).

"Possession and control" is difficult to demonstrate with digital assets as whoever possesses the private key can access the tokens and it is hard to prove a negative.

Until the SEC provides meaningful guidance on custody of digital assets there will be a hesitation from interested parties and from FINRA to approve intermediaries and digital asset focused broker-dealers.







Other Regulatory Issues, Concerns, and News

Despite this lack of guidance, the SEC has stated an entity facilitating the issuance of "digital asset securities" (through ICOs and secondary trading) may be acting as a broker-dealer and subject to registration.

This was highlighted in the SEC's TokenLot order (9/11/18).

- TokenLot, a self-described ICO superstore, allowed the purchase of digital assets, during or after an ICO.
- Its activities included the marketing and facilitating the sale of digital assets, accepting orders and funds for payment, and enabling the disbursement of proceeds.
- Further, they received compensation based on a percentage of the proceeds raised in the ICOs. The SEC determined that TokenLot acted as an unregistered broker-dealer and had to pay fines and penalties.







Other Regulatory Issues, Concerns, and News

Token Taxonomy Act of 2019

Reintroduced to the U.S. House on April 9th the Token Taxonomy Act would, among other provisions:

- Remove digital tokens from the SEC's jurisdiction under specific conditions.
 - But allows the SEC to stop transactions that the agency determines involve the sale of securities.
- Preempt state law providing a national framework for the treatment of digital assets.
- Exempts from taxation gains of \$600 or less stemming from the sale of digital assets and removes tax for exchanging one virtual currency for another.

Thoughts:

- However, there are concerns about the broad exemption the Act provides for and the Act still needs robust input from regulators and market participants.
- Despite its shortcomings the Act properly identifies the issues facing digital assets and provides a good starting point for how to think on these issues.







While progress is being made in the regulatory framework and treatment of digital assets more clarity and input is needed on specific regulations including the custody of digital assets.

Without guidance from regulators or lawmakers interested parties will continue to stay on the sidelines hindering the growth of the market and thus adoption and acceptance of products like a bitcoin ETF.











iab. Cryptography in Ad Tech (Panel)



Miguel Morales **CTO & Co-Founder** Lucidity (Moderator)



Daniel Arnold Chief Technology Officer AdNode



Neil Sweeney Founder & CEO **Freckle**









