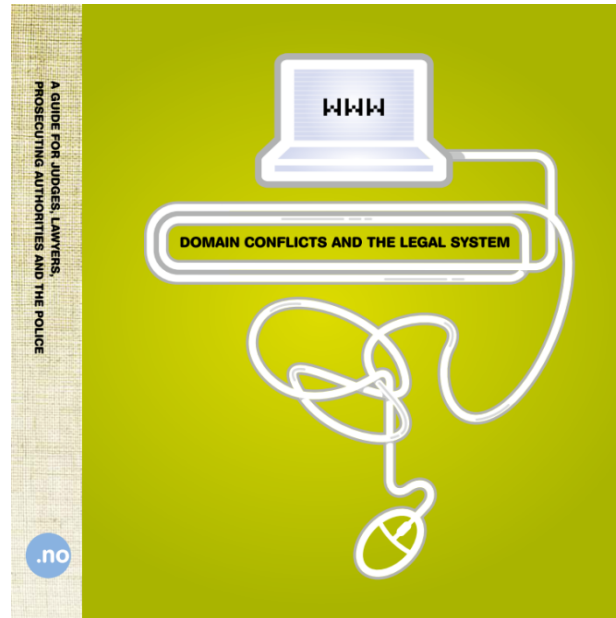


Domain Conflicts and the Legal System

NORID REGISTRERINGSENHETEN
FOR .NO DOMENET



ccNSO Meeting in Prague, June
2012

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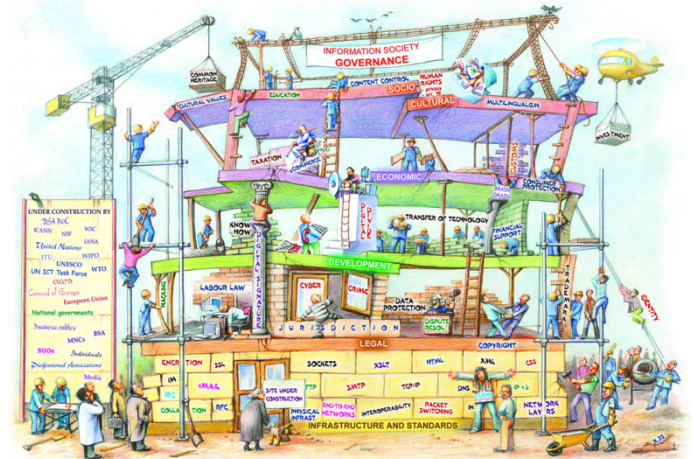
UNINETT Norid AS

The starting point

- Pressure from the police on take down and deletion of domain names
- Court case:
<http://www.norid.no/domenekonflikter/rettssaker/dommer/hr-2009-01692-beslag-en.pdf>
 - Seizure of domain names legal
 - Domain name is an object in this context
- Cooperation with the police to formalize the process and save time

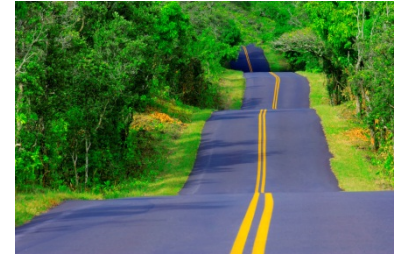


Our goal - what did we want to achieve?



- Explain in few words Internet address system
 - The system
 - The inquiries
- Inform about the legal framework, organization, roles and responsibilities of
- When conflicts arise – what to do
- Describe the deletion process

The way forward



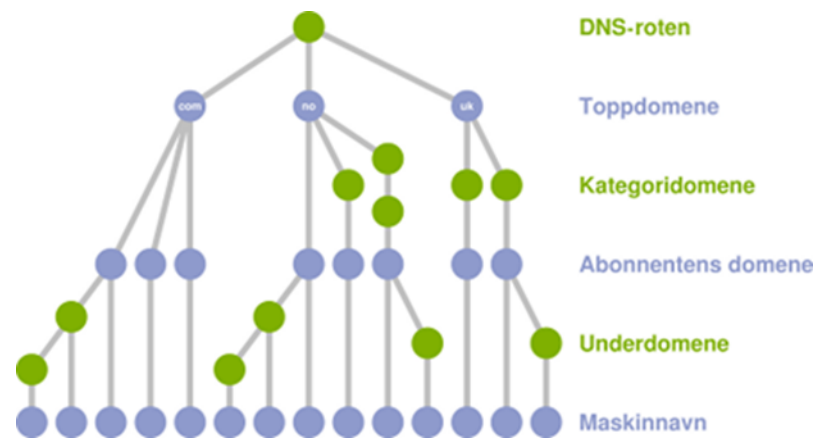
- Submitted the concept to the police, prosecution authority, court judges, lawyers, academics and government employees for input and dialogue
- Very valuable feedback on draft
- When finished, distributed to all courts in Norway, to the police, to the lawyers working with IP law, to the lawyers association, to ministries and other public authorities etc
- Now in use on the Police Academy for educational purposes



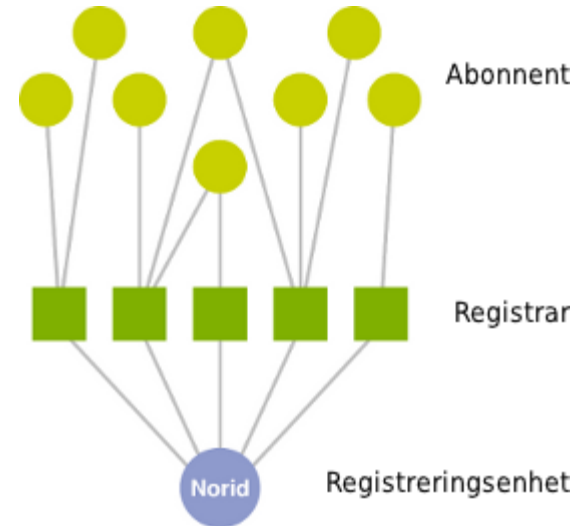
The address system

- The domain name system – DNS – phone directory on net – a hierarchic system/»root system«
- How to find the services and/or content?
- What happens when we enter a domain name in a browser?
- <http://www.youtube.com/watch?v=42pxnLZJXzo>

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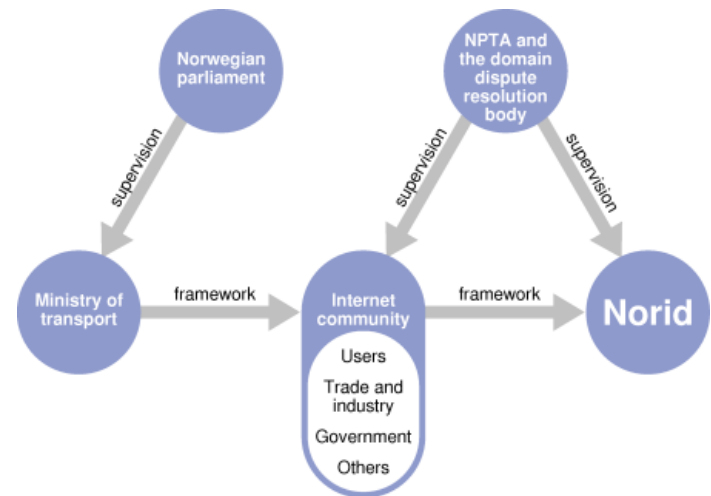


The legal system



Whois

**Whois-
database**
**The Domain
Regulation**



Domain conflicts

- Two types involve domain names
 - The domain name itself → ADR or Court
 - The service/content under the domain name
 - Police or Court
- Appeals Selection Committee of the Supreme Court of Norway – Decision 26.8.2009:
 - “Norid does not undertake any control of the content of websites; nor does it have any mandate to react to websites that may appear to violate the law; it is up to the police and the judicial system to do this.”



Domain conflicts - measures

- When the domain name itself is involved
 - The ADR system
 - And/or the Court
- When content or services are involved
 - Shut down the service is first priority
 - Can only be done locally
 - Most efficient to contact the holder or the ISP
 - Deletion of the domain name through the registry = last resort
 - We only do that through written statutory authority or by Court order

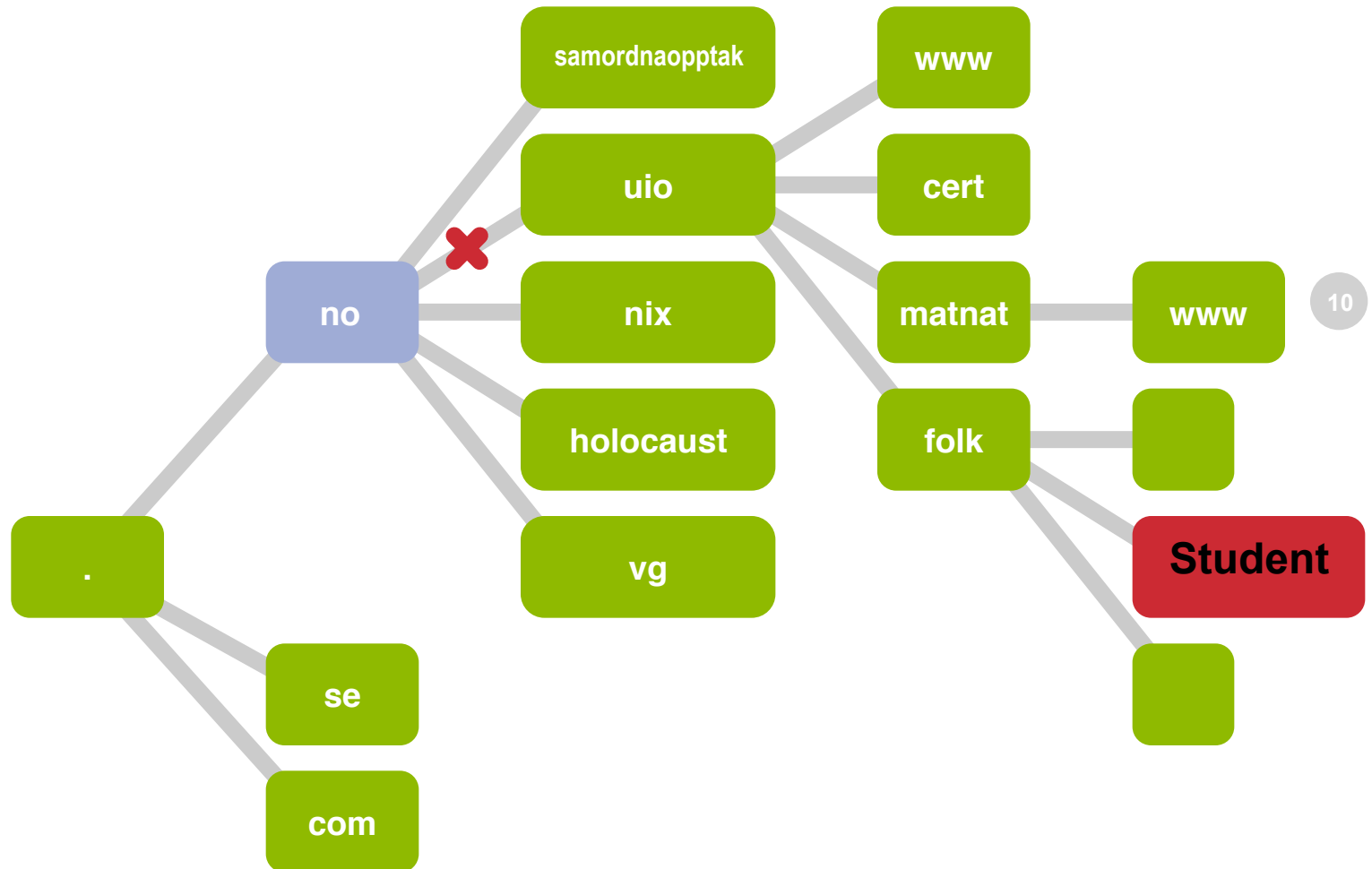


Deletion of domain names

- What really happens?
 - All email addresses and web pages registered within the domain will cease to function
 - All name server computers and all other services within the domain will become inaccessible
 - All sub-domains will become inaccessible
- Are you safe if the domain name disappear?
- What does not happen?
 - The service is not so visible
 - Still there through IP address etc



Deletion of a domain name – an example



What can the registry do to help

- Produce information
- Streamlining processes
- Give examples on formulation of injunctions
- Participate in debates
- Give presentations
- And give all asking us for help big smiles (even if we cannot do what they are asking for)



What can be done through Norid's systems

- Voluntary measures requested by the holder only
 - Update of contact information
 - Modification of name servers
 - Domain transfer to new registrar
 - Suspension of a domain
 - Transfer to new holder
 - Deletion
- Compulsory measures
 - Temporary or permanent in both civil and criminal cases
 - Civil cases – ADR or courts
 - Criminal cases – Prosecution Authority or Court order
 - Seizure (suspension)
 - Confiscation (deletion)
- Only then we act – and follow up is important
 - Both by us – and by the police



More information

- <http://www.norid.no/publikasjoner/index.en.htm>
- Or contact me or Peter van Roste if you want to use some of the material to make your own guide

