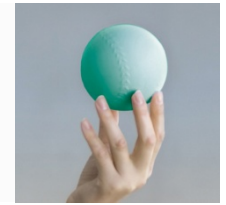




## Registry Liability for Content?!

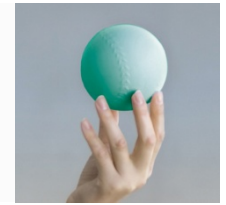
Stephan Welzel  
General Counsel, DENIC eG  
Chair, CENTR L&R



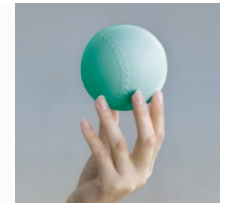
*hell, no!*



liability for domain names?



(in principle) no

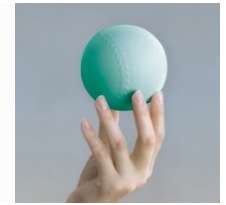


liability for content?

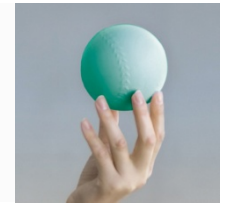


a surprising proposition:

registry farther away from content than from domain names

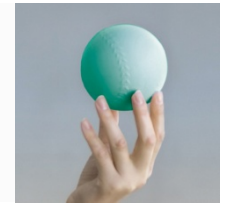


*nevertheless...*

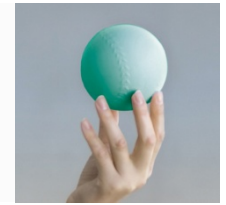


piratebay.se





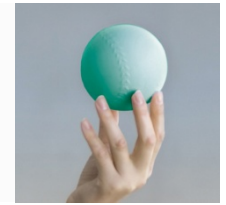
Cartier v. Nominet



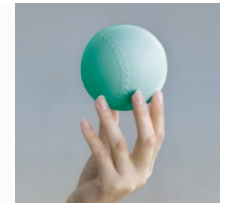
BAF v. DNS Belgium



h33t.com



*meanwhile under .de...*



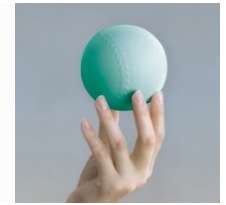
first (and only) attempt to hold DENIC liable for content under civil law in 2001

r-e-y.de



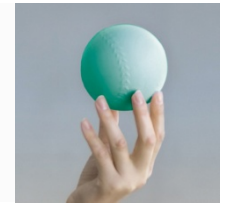
later two cases under administrative law

DENIC was ordered to disconnect domain names by authorities



DENIC won all cases

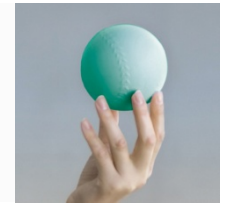
*obviously...*



DENIC does neither provide the content nor contribute to its provision

DENIC cannot remove the content



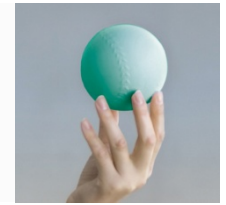


DENIC could disconnect/delete domain name

*but*

domain name is not the issue

would not remove the content



but is the registry an „intermediary“?



article 8 (3) Directive 2001/29/EC

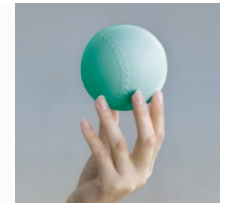
Member States shall ensure that rightholders are in a position to apply for an injunction against *intermediaries* whose services are used by a third party to infringe a copyright or related right

article 11 Directive 2004/48/EC

Member States shall also ensure that rightholders are in a position to apply for an injunction against *intermediaries* whose services are used by a third party to infringe an intellectual property right, without prejudice to Article 8(3) of Directive 2001/29/EC.



are registry services used to infringe rights?



no

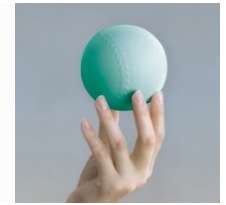


at best, registry services are used to make infringement easier to find

but:

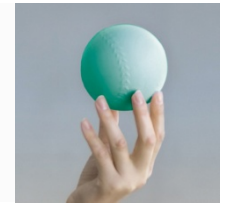
search engines

h33t.com?!



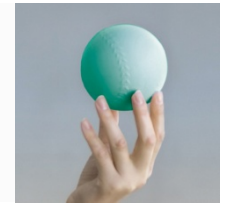
so, registry liability for content?

***hell, no!***



this is the *legal* assessment...





welzel@denic.de