

Dealing with illegal content in Norway

- a registry perspective

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NORID RUNS THE REGISTRY FOR
NORWEGIAN DOMAIN NAMES



Hindering illegal content or services by acting upon the infrastructure



- > Takedown at source is always most effective, but taking down the address is sometimes the only available action to local authorities
- > Proportionality: extensive use of takedowns at infrastructure level damages the value of DNS for everyone

Domain names can be seized

- > Domains are created the moment someone subscribes
- > Domain name holder is given a *right of use* that lasts as long as the registration exists
 - Continuous registration as long as terms and conditions are met
 - Domain holder is responsible for the registration and use of it
- > Right of use of a domain name can be made subject to seizure pursuant to the **Criminal Procedure Act** (Supreme court decision HR-2009-01692-U)
 - The registration is seized from the holder
 - Right of use is transferred to the police for the duration of the case
 - Police is responsible for the registration
 - «Normal» domain holder with rights and duties (must pay usual fees)

After the case has been decided...

- > If the seizure is lifted, the police must transfer the registration back to the original domain name holder
- > If the registration is forfeited:
 - The police may terminate the domain registration. The domain returns to the pool of possible domain names that Norid administrates (.no) and is available for new registrations
 - Alternatively, the registration may be sold on behalf of the state. It is then transferred to a new domain holder
- > In order to protect potential customers, Norid blocks new registrations of domain names that has had a forfeited registration for a period of two years



The role of the registry

- > We do not judge whether content is illegal...
 - «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»
(Supreme Court HR-2009-01692-U)
- > ...but we cooperate with law enforcement in order to ensure that there are clear and predictable routines available for those who do have a mandate to deal with illegal content
 - Routines must take into account proportionality and rule of law
 - Norid must be able to implement court decisions *without* having to be part of all court cases where domains are involved

Providing information



NORID RUNS THE REGISTRY
FOR NORWEGIAN DOMAIN NAMES
norid.no

- ▼ New domain name
- ▼ Your domain names
- ▼ Domain name conflicts
- ▼ About domain names
- ▼ Domain lookup

[Domain name conflicts](#) / [Advice for authorities](#) / [Handbook for the police and prosecuting authority: Seizures of Norwegian domains](#)

Handbook for the police and prosecuting authority: Seizures of Norwegian domains

Norwegian domain names (domain names ending in .no) may be seized pursuant to Section 203 of the Criminal Procedure Act ([HR-2009-01692-U](#)). What is actually seized is the registration of the domain, in that the police take control of the domain until the case is final. Norid is not a party to these cases. As the national register of Norwegian domain names, we must ensure that the domain has been transferred.



Domain conflicts in the legal system



Ulovlig innhold på nettet: Vil det hjelpe å ta ned domenet?

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Innhold

DOMENESERVICE

sex.violentcity.no guns.violentcity.no stopviolence.no reportviolence.no

EU regulation: Consumer protection

- > Competent authorities shall have at least the following enforcement powers:
 - (g) where no other effective means are available to bring about the cessation or the prohibition of the infringement covered by this Regulation and in order to avoid the risk of **serious harm** to the **collective interests** of consumers
 - (iii) where appropriate, the power to order domain registries or registrars to delete a fully qualified domain name and to allow the competent authority concerned to register it;
- > Public consultation in Norway by three ministries
 - Principle: a last resort, and must be proportionate
 - Proposal: the authorities must request an order from the court



Additional information...

- > **Domain name conflicts in the legal system (Norid)**
www.norid.no/en/domenekonflikter/rettslig-behandling/veileder/
- > **Routines and procedures for .no**
www.norid.no/en/domenekonflikter/ansvar-innhold/
- > **Supreme Court Decision (2009) unofficial translation**
www.norid.no/domenekonflikter/rettssaker/dommer/hr-2009-01692-beslag-en.pdf
- > **Domain name registries and online content (CENTR)**
centr.org/library/library/centr-document/domain-name-registries-and-online-content.html

Thank you

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