Notice & Action charter DNS Belgium/Belgian Government: joining forces in combat against e-commerce fraud.

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What is the N&A charter/protocol?

• New procedure that allows to act fast against fraudulent usage of .be domain names by overriding NS and referral to warning page of FPS Economy

• Formalised in cooperation charter between FPS Economy (Belgian State) & DNS Belgium

• Addition to already existing procedures:
  • Bad whois procedure
  • Revoke procedure (phishing)
  • Request through subpoena (public ministry)
Why necessary?
N&A procedure

40 days
Revocation of DN by DNS

1 working day
Notification by FPS Economy

6 months
Breach notice by DNS + referral

14 days
Confirmation/no confirmation

14 days
Follow up reminder to FPS Economy
Essential characteristics

• Last resort procedure for serious infringements
  • FPS Economy must first exhaust its own procedures
  • Only for the following type of situations
    • 1) distortion of market equilibrium (fair competition)
    • 2) menace to consumer protection

• Guarantees for DNS Belgium concerning its legal liability.

• Procedure is layered
  • No immediate revocation/deletion of the domain name
  • Redirect to warning/stop page offers protection (for consumers)
  • Responsible of website can rectify at any time before deletion
Legal liability

• Discussion on legal liability stalled progress from 2013 to 2017

• Principle: DNS Belgium executes N&A notifications -> gets legal backup from FPS Economy in case registrant starts litigation

• In legal terms: FPS Economy will voluntary intervene in any legal proceedings undertaken against the registry

• This covers only for as much as DNS Belgium carries out the instructions properly (e.g. not redirecting the wrong domain name)
Cases so far since 1/12/2018

• None in December

• January: 2 cases
  • 1st case: 12 .be domain names;
  • 2nd case: 103 .be domain names.

• No reaction from registrants so far (and none expected as well!)

• Typical case: deleted domain names are re-registered and directed to fake webshop
N&A Procedure example
N&A Procedure example

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The website you are trying to visit, infringes on the Belgian economic legislation.
If you are the owner or administrator of this website and you consider this measure was not necessary, you can report that here.
Next steps?

- DNS Belgium would like to have similar arrangements with other relevant stakeholders

- FPS Finance (fiscal fraud), FPS Public Health (fraud with online meds), Child Focus (child abuse), …

- Basic conditions:
  - Stakeholder needs to have legal competence to determine whether there is law infringement or not
  - Same liability safeguards for DNS Belgium as in current N&A with FPS Economy