

Dealing with illegal content in Norway

- a registry perspective

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NORID RUNS THE REGISTRY FOR
NORWEGIAN DOMAIN NAMES



- There is something we don't like on the Internet!

- > Increase in actors that want to block domains or IP-addresses in order to stop illegal or unwanted activity on the Internet

Fersk kjennelse: The Pirate Bay blokkeres i Norge

Sikkerhetsanalytiker i VG: – Ingen tro på at det stopper den ulovlige fildelingen

Piratpartiet: – Feil ende å begynne i

Økokrim stanser Popcorn Time

Tar beslag i det norske domstolens fildelingstjeneste

KrF vil stille krav om pornofilter

Barn og unge blir i stadig større grad påvirket av porno på internett, mener KrF. Nå vil partiet innføre krav om pornofilter som sperrer tilgangen til slike sider.



Possible measures: 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 and forfeited

- > 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
- > Forfeiture of the right to hold the registration pursuant to Criminal Code art 63 to 75
- > 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)

LEA starts a criminal case

- > LEA enters into the registration as holder
- > If the seizure is lifted, LEA 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

DOMAIN NAME REGISTRATION

DOMAIN NAME CONFLICTS

Registration complaints

Registrar complaints

ADR Committee

Legal treatment

Content liability

- [Handbook: Seizures](#)

Handbook: Forfeitures

POLICY FOR THE .NO DOMAIN

FIND DOMAIN NAME

ABOUT DOMAIN NAMES

FAQ

FOR REGISTRARS

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, but because we operate the central register of Norwegian domain names, we must register that control of the registration has been transferred.

MORE ABOUT CONTENT LIABILITY

[Domain conflicts in the legal system \(guide\)](#)

Hilde Thunem: [Norid procedures for the seizure and forfeiture of domain names](#) (video)(Norwegian only)

OTHER USEFUL LINKS

[Court decisions involving domain](#)

Seizing a domain name

- 1 **Contact a registrar**
The police must [contact a registrar](#) while the seizure is in effect. Ask the registrar to register the transfer of the registration.



Domain conflicts in the legal system

First case of confiscation: forfeiture of popcorn-time.no

> 2016 - 2019 popcorn-time.no

- LEA (Special Unit Economic Crime) seized the right of holding the domain - transferred to the police for the duration of the case
- «If a domain registration is forfeited, the domain will be transferred to Norid. (...) The domain name will then return to Norid's domain name pool, to subsequently, after a possible quarantine period, be available to the public again»
- 2019 Appeal Court of Oslo City court final decision on forfeiture. Practical handling of forfeiture left to the LEA to take steps according to the routine established by Norid

Additional information...

- > **Domain name registries and online content (CENTR Document)**
centr.org/library/library/centr-document/domain-name-registries-and-online-content.html
- > **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

Thank you

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