

Policy issue brief: Dealing with domain names used in connection with criminal activity

Issue Champion: Serious and Organised Crime Agency

What is the issue?

Nominet does not have any clear obligation in its registrant Terms and Conditions that a domain name should not be used in connection with any activity that would constitute an offence under UK criminal law. This is in contrast to many registrars and a number of registries including .org and .biz.

Why is it a policy issue?

We believe that formal policy advice is needed to underpin proposals for a change to Nominet's Terms and Conditions to give a contractual basis to suspend domains where Nominet has reasonable grounds to believe they are being used to commit a crime (e.g. a request from an identified UK Law Enforcement Agency).

What is current practice?

There are increasing expectations from Law Enforcement Agencies that Nominet and its members will respond quickly to reasonable requests to suspend domain names being used in association with criminal activity and Nominet has been working with them in response to formal requests.

Experience has been developed by working with key Law Enforcement Agencies in a trusted relationship. This led to the suspension of over 1,200 domain names being used for criminal activity, working on a request from the Police Central eCrime Unit in December 2009.

We expect action to be taken by the registrar in the first instance. Action at the registry level would only be required if the incident was urgent or the registrar failed to comply.

Nominet provide registrars with a lock which can be used in the case of criminal activity.

What might need to be discussed?

The Issue Group will not give operational advice. However, it might want to discuss ideas related to the nature of formal requests for suspension, whether safeguards are necessary (an appeals process, for example), and what information and support might be needed from the industry for responsible officers in Law Enforcement Agencies to help them identify when action is appropriate.

The group might also want to consider whether there are benefits for sharing information with registrars as is currently done with the phishing feed.

Who might usefully be involved in the discussion?

Serious and Organised Crime Agency (SOCA)
Police Central e-Crime Unit (PCeU)
OFT Cybercrime Unit
HM Revenue & Customs
Medicines and Healthcare Products
Regulatory Agency
Health and Safety Executive
Trading Standards

Department for Business Innovation and Skills
Home Office
Registrar representation
ISP representation
Nominet representative
Confederation of Business and Industry
Federation of Small Businesses