

World Trademark Review Daily

Nominet's new registration policy comes into effect
United Kingdom - Hogan Lovells International LLP

Domain names

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Nominet, the registry responsible for domain names in the United Kingdom, had previously announced the review of its registration policy for '.uk' domain names, chaired by former Director of Public Prosecutions Ken Macdonald QC. Traditionally, Nominet has always been an open registry, accepting domain names on a 'first come, first served' basis without any restrictions, other than a limited number of technical requirements (eg, domain names may contain hyphens, but cannot start or end with them). No terms or phrases were forbidden, even if they were offensive or even criminal in nature.

The review stemmed from Nominet's discussions with the [Department for Culture, Media & Sport](#) in relation to the '.uk' domain name registration policy. Interest from the Department for Culture, Media & Sport appears to have been brought about by a number of reports in the British media highlighting the issue of pornography on the Internet and, in particular, child pornography, after a number of high-profile cases. Concerns were expressed about the volume of internet pornography hosted in Britain, and the lack of restrictions applied by Nominet in accepting domain name registrations.

The review therefore focused on the extent to which Nominet should be restricting offensive or otherwise inappropriate words or expressions in domain name registrations, and members of the public were asked to contribute their views, in particular on whether any terms should be blocked completely, or whether a post-registration complaints procedure should be introduced. Lord Macdonald reviewed all such feedback and met various stakeholders before producing a very clear and comprehensive 39 page report setting out his recommendations and the reasoning behind them (see "[Nominet agrees to minimum ban](#)" and Lord Macdonald's [report](#)).

As a result, Nominet has recently published on its website the new '.uk' registration policy, which came into effect on May 4 2014 and is now available [here](#).

Firstly, Nominet's new registration policy makes it clear that the use of a '.uk' domain name for criminal purposes is not permitted and that such domain names may be suspended. Police or law enforcement agencies (LEAs) will be able to notify Nominet of any '.uk' domain names being used for criminal activity. Upon receipt of such a notification, Nominet will then alert and work with its registrars to suspend the concerned domain names. Eventual complaints concerning the suspension can be referred back to the LEAs. Nominet explains on its website that the suspension could be lifted "if the LEAs then inform Nominet that the domain is no longer being used to carry out criminality, if the suspension was incorrectly applied, or if no response is received from the referring agency within 10 working days".

Secondly, Nominet amended its registration policy to make it clear that registration of a '.uk' domain name that appears to relate to a serious sexual offence will constitute a breach. Nominet will play no role in policing the '.uk' namespace or the website content. However, it will, in its sole discretion, not allow a '.uk' domain name to remain registered if it appears, on the face of it, "to indicate, comprise or promote a serious sexual offence" and where there is "no legitimate use of the domain name which could be reasonably contemplated". New '.uk' domain name registrations will be run through an automated process and then checked by a senior manager. The new '.uk' registration policy institutes a system of post-registration domain name screening, for '.uk' domain names that appear to signal or encourage serious sexual offences. If Nominet considers that the '.uk' domain name registration meets the two criteria mentioned above, then it will notify the registrant and registrar that the domain name will be suspended. Any such post-registration screening would relate only to the domain name itself, not to any content attached to it, since typically there would not be any such content immediately after registration. Nominet explains on its website that registrants have 30 days to appeal Nominet's suspension assessment, and "any unresolved disagreements will be referred to an independent external body for review". The amendments to the '.uk' registration policy will be applied retroactively to existing registrations, although they only affect a handful of domain names.

As a result of the registration policy review, the main change for Nominet will be the new post-registration screening of domain names relating to serious sexual offences. Existing domain names containing such terms have already been suspended, as shown in the Whois. Clearly the narrow parameters of such screening will mean that domain names making reference to serious sexual offences may nevertheless slip through the net (the possibilities for slang terms or misspellings are endless) but, presumably, if notified of potential criminality, Nominet will act expeditiously to refer this to the police or to the [Internet Watch Foundation](#) and to suspend the domain name in question.

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