



Domain Name Abuse Forum

Finding solutions for a safer .nz

Content abuse

Background

The Domain Name Abuse Forum has a broad focus, covering a variety of abusive behaviour online, specifically with respect to domain names. Abusive behaviour on the Internet is generally divided into three main categories: infrastructure abuse, registration abuse, and content abuse.

Working definition

Content abuse refers to online content on a website or platform that is inappropriate, offensive, or illegal. This can include child sexual abuse imagery, inappropriate online sale of pharmaceuticals, counterfeiting and copyright infringement.

Issues for consideration

The question of who should be responsible for dealing with content abuse is a difficult one. Historically, there has been a consensus that domain name registries should not have a role in overseeing website content.

Instead, the hosts or publishers of the content or website are responsible, and therefore are the parties who should be approached by those seeking for material to be removed.

Where there is a view that the appropriate way to deal with content abuse is via the domain name system, removal requests come in two ways. Either by using the Dispute Resolution Service to cancel or transfer a domain name, or by making a civil claim through the courts.

Locally, there are a raft of legal norms and statutory frameworks that are relevant to issues of content on the Internet. These norms and framework cover a wide range of content related matters including:

- “objectionable” and restricted material, as defined in the Films, Videos, and Publications Classification Act 1993
- harmful digital communications as defined in the Harmful Digital Communications Act 2015
- defamatory material as described in the Defamation Act 1992
- spam, or unsolicited material as defined in the Unsolicited Electronic Messages Act
- trademarked or copyrighted materials dealt with under the Trademarks Act 2002 and the Copyright Act 1994
- electronic or cybercrime criminal activity that involves the Internet, a computer or other electronic devices.



In most cases, content issues are dealt with by those hosting the content or the publisher, as mentioned above. If people do seek the DNS to play a role in content removal, the current framework is effective, but some consider it too slow or bureaucratic to respond to their specific content abuse needs. However, effectively addressing such a wide range of issues under the umbrella of content abuse poses a series of significant challenges.

First among these is, what content should be dealt with? While there is universal support for the removal of some content from the Internet (exploitation of children is the prime example), other content generates more divided opinions. This can be exacerbated by cross-border jurisdictions and cultural differences and finding common ground between jurisdictions can be difficult. The result is a spectrum of opinion, with near-universal agreement at one end, and an impossibility of consensus at the other.



Secondly, where there are calls to remove content, as noted above, working through the Domain Name System to do so is not a common approach. The question often arises of how faster and cheaper resolutions than the DRS or a Court order might be considered for the most clear cut of content related issues arising in the domain name system. But this brings up the question of what should be the agreed cut-off point for managing content abuse? And when should the domain name system play a role in that management process?

Currently, domain name registries do not have the skills or people resources to monitor content. Therefore, the general approach of ICANN and many Country Code Top Level Domains (ccTLDs) has been simply to comply with authoritative decisions from appropriate jurisdictions, rather than take on the additional responsibility for policing their respective spaces. Given the current legal and dispute resolution frameworks have the well-established and settled processes, and that registries follow the instructions of such due process decision-making, what is the rationale for a registry to take a more hands-on role? Would a registry undertaking this role (in the case of .nz, through the Domain Name Commission) actually change the outcome?

Questions

- On what grounds, if any, should there be a desire to move away from the current system of dealing with content?
- If the Domain Name System was to take a role in dealing with content abuse, are there categories of such abuse where the DNS should or should not play a role?
- How should the Domain Name System respond to requests to suspend or take down certain domains?