

**XXXIII
NIR
2016**

.dk etc. Some Recent
Developments

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The present legal framework

- **The Act on Internet Domains of March 2014**
 - § 25. Registrants may not register and use domain names in violation of good domain name practice
 - sec. 2. Registrants may not register domain names for sale or resale, alone with resale or retransfer
 - Corresponds to § 1.1 of the Act on Internet Domains of March 2014. Registrants may not register domain names for sale or resale, alone with resale or retransfer, without the registrant's intention to develop a business or other commercial consideration
- **DK Hostmaster's General Conditions for Registration and Administration of Internet Domains of 31 January 2016**
 - 8.3.1 Manifest risk of confusion. The managing director of the Complaints Board for Domain Names may jointly decide to suspend the domain name if the following conditions are met:
 1. it is obvious that the purpose of the registrant's use of the domain name is to **create confusion** with a third party's right *and* the circumstances, e.g. strongly **offensive content** or attempts at **phishing**, attempts at installing **malware** and similar, justify not awaiting a decision from the Complaints Board for Domain Names or a court of law
 2. the domain name is used in connection with **manifestly illegal acts or omissions; and significant safety or other social considerations** justify not awaiting a decision from the Complaints Board for Domain Names or from a court of law.
 3. (serial) **typosquatting**
 4. (serial) **cybersquatting**

Shall these options be expanded?

Selected cases

- Seizure of portfolios of 423 .dk domain names used for either phishing in violation of § 279 of the Criminal Code or sale of counterfeit goods in violation of § 42, 2 of the Trademarks Act:
 - Municipal Court of Copenhagen 17.02.2016 in cases SS 90.4905/2016 et.al
 - <http://www.anklagemyndigheden.dk/nyheder/Sider/statsadvokat-beslaglaegger-423-falske-hjemmesider.aspx>

§ 803. Genstande, som en person, der ikke er mistænkt, har rådighed over, kan beslaglægges som led i efterforskningen af en lovovertrædelse, der er undergivet offentlig påtale, hvis der er grund til at antage, at genstanden kan tjene som bevis, bør konfiskeres eller ved lovovertrædelsen er fravendt nogen, som kan kræve den tilbage. Andre formuegoder, herunder penge, som en person, der ikke er mistænkt, har rådighed over, kan beslaglægges som led i efterforskningen af en lovovertrædelse, der er undergivet offentlig påtale, hvis der er grund til at antage, at disse formuegoder bør konfiskeres.

- It is unclear what is going to happen now: , shall the domain names be confiscated? shall the public prosecutor pay the renewal fees when they are due?

Cybersquatting

- Registered and for sale
- 2014-0049: havannashoes.dk
- 2013-0169: atheneskolen.dk

The image shows a search box for the domain 'athenskolen.dk'. The text 'athenskolen.dk' is entered into the search field. To the right of the search field is a 'Search' button. Above the search field, the text 'Buy this domain' is visible. Below the search field, there is a line of text that is mostly illegible but appears to contain information about the domain's status or price.

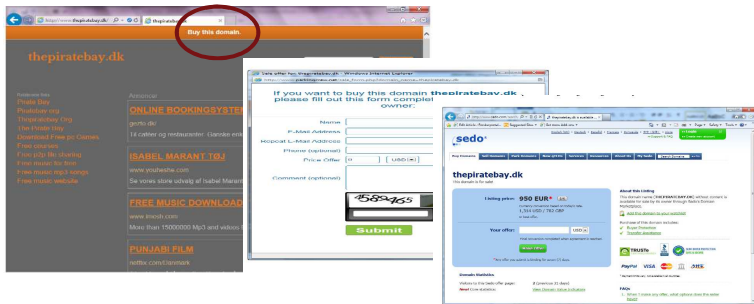
- Case D2015-2046: <zionsbank.online> et al.



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Cybersquatting +

- PPC and warehousing: 2014-0011 thepiratebay.dk and a number of similar cases




- "§ 25. 2. Registrants may not register and maintain domain name registrations alone with resale or rental purposes."
- Case D2016-0330 <soprasoftware.com>

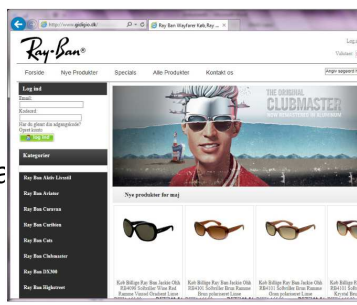
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A recent variation

- Bulk-registrations of expired domain names used for infringing websites: 2015-0093 gidigio.dk



- The new name gidigio.dk was released by mistake
- The domain name was immediately registered by a new entity and the following website was put up

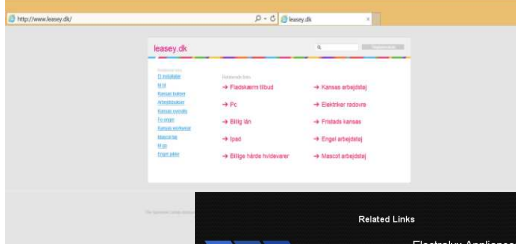


- Bulk-registrations of expired domain redirection ?
- Takes advantage of page ranking

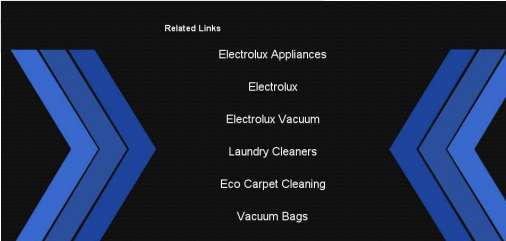
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Typosquatting + parking

- PPC parking: case 2016-0001: leasey.dk
 - Standardized "pay-per-click" parking-site with automatically generated links inter alia to competitors of L'Easy



- Case D2016-0101 <electrolux.com> et al.
- and numerous similar cases



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Typosquatting +


- Typosquatting and affiliate marketing: 2016-0028 leasy.dk
 - Complainant is the owner of L'EASY and the website www.leasy.dk
 - Leasy.dk redirected visitors to www.leasy.dk and the registrant earned a fee for each sale that was made as a consequence of the redirection ("pay-per-sale")
 - Both parties thus participated in the same advertising affiliate network Adservicemedia.dk



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Affiliate marketing using third party trademark

- Many different types of affiliate networks and related revenue schemes
- One variation: Website using affiliate eBay-software to promote listings on eBay of inter alia fake Bang & Olufsen products:
 - Case D2010-0406
<bang-olufsen-outlet.com>



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Phishing and spoofing

- Phishing and spoofing: 2015-0168: rosborgtas.dk
 - Complainant was the nursery Rosborg that uses the domain name rosborg-as.dk
- The registrant had put up a website under www.rosborgtas.dk They called themselves Rosborg Trading A/S and used the address and VAT # of the complainant.
- They sent fictitious invoices to at least three companies



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Phishing

- Phishing and serious fraud: 2015-0145 nyidenmark.dk
 - The Danish Immigration Service runs two websites www.nyidenmark.dk and www.newindenmark.dk
 - The registrant sent out emails using the logo, name and address and requesting the receiver to pay a fee by credit card stating:

“Congratulation for successfully payment for case fast-track-scheme (NEW) under the Application for residence and work permit in Denmark based on salaried work case. The case order fee Euro 436 covers the processing of your case”

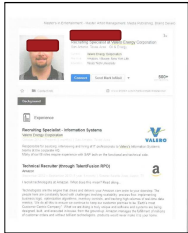


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Phishing

- Phishing as a follow up to fictitious job openings impersonating a true recruiting specialist with a LinkedIn profile:
 - Case D2014-0268 <valero-energies.com>
- Phishing using registrant details of one on Complainant's (former) companies and thus "impersonating" the company
 - Case D2016-0393 <group-solvay.com>

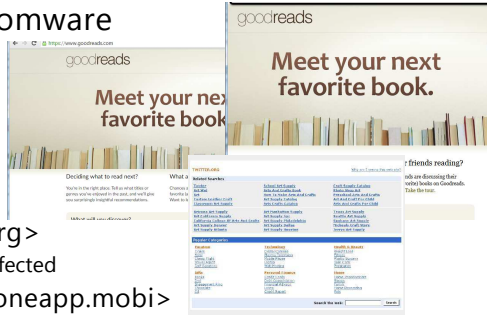
1 The Panel has placed this name in quotation marks to indicate its findings that an unknown third-party has made unauthorized use of the Complainant's name when registered the disputed domain name in an attempt at impersonation. The Complainant is not the underlying registrant of the disputed domain name.
- Phishing as a follow up to fictitious offers to sell used cars on auction sites including re-direction of website to complainant's official website and thus "impersonating" the company:
 - Case D2015-0442 <sydbank-dk.com>.



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Malware

- Domain names registrations used for a website that may install malware/ransomware
 - NAF case 1624520 <bestgoodreadslink.com>,
 - Incl. spoofing website
 - Case D2013-0062 <twitter.org>
 - Website with links that may be infected
 - NAF case 1668126 <capitaloneapp.mobi>



Your Browsing Activity Has Been Restricted. **Your System has been infected with critical Spyware/Malware/Trojans** A browser lock is in place to prevent further infection of your network, and the networks of others. Call +18444985956 (TOLL-FREE) for Immediate assistance.

- And numerous others

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So....

- The domain name system is being used for more and more sophisticated types of misuse of trademarks
 - In particular phishing scams
- The domain name system is being used to generate income through affiliate advertising networks
 - And mis-used when the domain name incorporates a third party trade mark
- Bulk registrations of expired domain names taking advantage of the previous website's pageranking etc.
 - Including domain names that incorporate third parties trade marks