



Notice and Take Down Code for .nl domain names

A. General

1. This document describes the way SIDN deals with complaints made under the Notice and Take Down Code. A complainant may ask SIDN to do either of the following:

- a. Release details of an offending .nl domain name's registration.
- b. In the last resort, delete an offending .nl domain name from the .nl zone.

SIDN may consent to such a request if it believes that the domain name in question is being used in an unlawful or criminal way (for example, to publish unlawful or criminal content on a website).

2. A Notice and Take Down (NTD) request will be considered only if made on one of the following forms, properly completed and signed, and accompanied by the necessary documents:
 - a. an NTD data request form
 - b. an NTD deletion request form
3. SIDN will always endeavour to deal with NTD requests in accordance with the Code. However, the Code is voluntary and SIDN is not obliged to consent to any NTD request. Neither someone who makes a request nor anyone else may claim any rights on the basis of this Code. SIDN is therefore free to decide not to consider a request, to reject a request or to depart from this Code.
4. When applying the Code, SIDN may ask for additional information from, or enter into discussion with, someone who makes an NTD request, or the registrant or registrar of the domain name in question, or any other party.
5. If SIDN decides to decline an NTD request, it will inform the person or organisation that made the request, and will explain the reasons for its decision.

B. Release of data that is not otherwise publicly available

6. Generally speaking, the only details regarding a .nl domain name that SIDN will provide are details of its current status. This information may currently be accessed using the public Whois service. Over the coming months, however, some such details will cease to be publicly accessible. When that happens, a separate procedure will be introduced, covering the release of otherwise unavailable data.

C. Taking a domain name out of use

7. A deletion request (i.e. a request to take a .nl domain name out of use) will be considered only if:
 - a. it is made by someone with a legitimate interest;
 - b. it is made with the intention of preventing the obviously unlawful and/or criminal use of a .nl domain name;
 - c. it is made on an NTD deletion request form.
8. A request which is based upon the nature or mere registration of a .nl domain name, rather than the way the name is being used, cannot be considered under this Code. Anyone who believes that the mere registration of a .nl domain name infringes someone's rights or is unlawful or criminal should refer to the Dispute Resolution Regulations for .nl Domain Names.



Anyone who believes that the nature of a .nl domain name is inconsistent with public order or decency may refer the matter to the Complaints and Appeals Board. Naturally, legal proceedings may be taken under any circumstances.

9. SIDN will take a .nl domain name out of use only as a last resort. This will be done simply by removing the pointer from the domain name to the associated IP address. The content of any website linked to the domain name will remain accessible on the internet (via the IP address) and, because of the use of caching technology, may also continue be traceable from the domain name for some time. Intervention by SIDN to take a domain name out of use is sensible only if all other practicable means of preventing obviously unlawful and/or criminal use of the name have been explored without success. Anyone making an NTD request to SIDN should therefore be able to demonstrate that efforts have already been made to persuade the person or organisation responsible for the offending content to take it down, and to persuade the name's registrant and host to intervene, all without success. If SIDN considers that other reasonable courses of action have yet to be tried, SIDN may refer the person or organisation making the request to the other parties in question.
10. In connection with this Code, SIDN may enter into agreements with certain 'partner organisations', under which the organisations in question may make NTD requests on certain grounds and according to a fixed procedure. In appropriate circumstances, SIDN may refer someone who makes an NTD request to one of these partner organisations. For example, people with complaints about child pornography may be referred to the Reporting Hotline for Internet Child Pornography.
11. SIDN will consent to a deletion request only if the person or organisation making the request indemnifies SIDN, and all the individuals involved, against any damages that SIDN or any individual involved may suffer as a result of the .nl domain name in question being taken out of use, temporarily or otherwise. SIDN may also attach other conditions to its consent.
12. SIDN will take a .nl domain name out of use only if SIDN concludes that the name's use is obviously unlawful and/or criminal and sufficiently serious to justify such action. SIDN will conscientiously seek to establish whether this is the case. However, SIDN is not obliged to act against the unlawful and/or criminal use of a domain name, or to disclose its reasons for not doing so.
13. On receipt of a request, SIDN will:
 - a. acknowledge receipt;
 - b. check whether the request meets the formal criteria for consideration and, if it does not, ask for it to be modified;
 - c. consider whether all other reasonable courses of action have been taken and, if they have not, advise the requesting party to take further action;
 - d. consider whether the request may be referred to a partner organisation and, if so, make the referral;
 - e. consider whether the domain name is being used in an obviously unlawful and/or criminal way that justifies taking it out of use;
 - f. take the domain name out of use (i.e. delete it from the zone) or decline the request.
14. If a domain name is deleted, SIDN will inform the registrant (via the registrant's administrative contact e-mail address) and the registrar that manages the registration. SIDN will then decide whether to cancel the registration contract for the domain name and whether and when to make the domain name freely available for re-registration.