

IWF response to Digital Economy Act 2010: Powers in relation to UK related domain name registries

Introduction

The Internet Watch Foundation (IWF) is a charity that works in partnership with the internet industry, law enforcement and government to remove (with the co-operation of industry) from the internet child sexual abuse images and videos wherever they are hosted in the world and non-photographic images hosted in the UK.

The IWF exists for public benefit and performs two unique functions in the UK:

1. We provide a secure and anonymous place for the public to report suspected online child sexual abuse images and videos and;
2. Use the latest technology to search the internet proactively for child sexual abuse images and videos.

The IWF has a [Memorandum of Understanding](#) between the National Police Chiefs' Council (NPCC) and Crown Prosecution Service (CPS) that governs our operations. This ensures immunity from prosecution for our analysts and recognises our role as the "appropriate authority" for the issuing of Notice and Takedown in the UK. Operationally, the IWF is independent of UK government and law enforcement.

The IWF also plays a vital role in providing the internet industry with several quality-assured technical services to prevent the spread of known child sexual abuse images and videos online and to stop the uploading of new images in the first place. These include image hashing utilising Microsoft's PhotoDNA, a URL blocking list of live webpages, keywords list, domain alerts, payment brand alerts, newsgroup alerts and simultaneous alerts (for US companies only). Key to this is our trusted relationship with the internet industry which enables us to act as a broker between them and government and law enforcement.

Our work is funded almost entirely by the internet industry: 90% of our funding comes from our 148 global Members which include Internet Service Providers (ISPs), search engines, Mobile Network Operators and manufacturers (MNOs), social media platforms, content service providers, telecommunications companies, software providers, domain name registries and registrars and those that join the IWF for CSR reasons. [Our Members](#) include some of the biggest companies in the world – Amazon, Apple, Google, Facebook, Microsoft – as well as the largest ISPs and mobile operators in the UK as well as some of the smaller operators within the internet ecosystem who pay as little as £1,040 per annum yet still access everything we have to offer.

The IWF is a charity registered in England & Wales with an 11-person Board of Trustees of which, eight are independent members and three are industry representatives. The IWF Hotline is [audited](#) by an independent team, led by a judge, every two years and the report published in full.

Consultation Questions:

Q1. Do you agree we should include all of the types of misuses of domain names set out under the ‘Domain Name Misuse’ heading, in our ‘prescribed practices’? If not, which ones should be omitted and why?

The IWF agrees with the five proposed types of misuse of domain names set out in the consultation response. These align with the five broad categories as identified by ICANN and are recognised internationally.

The IWF’s interest is, of course, in ensuring that domain names are not abused to host illegal child sexual abuse material and we are pleased to see that this consultation document also reflects that companies should have “adequate policies and procedures” in place to combat the use of domain name registries which are registered to promote or display child sexual abuse material.

Thankfully, in the UK we have a zero tolerance approach to this material and in July 2023, we did not see any reports of top level domain name abuse on .uk, .cymru, or .wales with all three domain names not subject to target abuse. We have a strong working relationship with Nominet who run all three top level domains and they are keen and active supporters of both the work of the Internet Watch Foundation and the UK Safer Internet Centre, of which the IWF, forms one third, with our partners Childnet International and SWGfL.

The IWF is also working with ICANN’s technical working group on child sexual abuse and exploitation to ensure that we widen the current best practice relationships we have here in the UK and with other members who are part of the IWF, to explore what more can be done to prevent the rapid migration of sites between different registries and registrars.

We would be happy to have further discussions with DSIT on the activities we have in practice to tackle child sexual abuse within both top level domain and second level domain providers and encourage the department to work with us before making any changes to best practice.

Q2. Are the descriptions of the types of domain name misuses set out under the ‘Domain Name Misuse’ heading fair and appropriate for the purposes of including them in our ‘prescribed practices’? If not, please explain why not and propose alternative descriptions.

Yes, we agree.

Q3. Are there any other types of domain name misuse that should be included in the ‘prescribed practices’? If so, please describe them and provide reasons as to why you think they should be included.

No further comments to add.

Q4. Do you agree with the proposal to include ‘cybersquatting’ (including ‘typosquatting’) in the list of unfair uses of domain names in our ‘prescribed practices’? If not, why?

This is not within the remit of the IWF and therefore we do not feel best placed to adequately respond to this question.

Q5. Is the description of ‘cybersquatting’ fair and appropriate for the purposes of including it in our ‘prescribed practices’? If not, please explain why not and propose an alternative description.

As above.

Q6. Are there any other examples of unfair use of domain names that should be included in the ‘prescribed practices’? If so, please describe them and provide reasons as to why you think they should be included.

N/A

Q6. What would you consider to be too burdensome in the context of resolving disputes under our prescribed dispute resolution procedure?

N/A

Q7. What does ‘expeditiously’ mean to you in the context of resolving disputes under our prescribed dispute resolution procedure?

N/A

Q8. What do you consider to be ‘low cost’ in the context of resolving disputes under our prescribed dispute resolution procedure?

N/A

Q9. What would you consider a ‘fair’ and ‘equitable’ dispute resolution procedure design to be?

N/A

Q10. Do you have any further comments on best practice or about the overall design of our dispute resolution procedure?

N/A

Q11. To what extent do you agree or disagree with our assessment under the ‘Summary of Business Impact’ section? Please provide details for your answer.

N/A

Q12. Are there potential positive impacts (including costs or financial implications) that the proposals outlined in this consultation may have on businesses, consumers or the

public sector? Please provide any evidence or comments on what you think these positive impacts would be.

N/A

Q13. Are there potential negative impacts (including costs or financial implications) that the proposals outlined in this consultation may have on businesses, consumers or the public sector? Please provide any evidence or comments on what you think these negative impacts would be.

We do not have any views to express in relation to this question.

Q14. Please provide any other comments or evidence that relates to or is about the analysis under the ‘Summary of Business Impact’ section.

We do not have any views to express in relation to this question.

Q15. Do you have any comments about the potential positive and/or negative impacts that the options on the broad purposes of the commencement of the DEA 2010 powers outlined in this consultation may have on individuals with a protected characteristic under the Equality Act 2010? If so, please explain what you think these impacts (both positive and/or negative) would be.

We do not have any views to express in relation to this question.

If you believe there may be negative impacts, what do you think could be done to mitigate them?

N/A