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Nominet cracks down on fraudulent websites

Nominet, the organisation responsible for UK domain name registrations, has recently suspended over 1200 “.co.uk” domain names suspected of being used in criminal activity.

The Background

The Central e-Crime Unit of the Metropolitan Police has been investigating websites run by organised criminal networks as part of Operation Papworth, the biggest police operation of its kind in the UK.

Some of the websites investigated were reportedly selling counterfeit goods, including fake UGG boots, GHD hair straighteners and Tiffany jewellery. Others conned consumers into purchasing goods which were never delivered, or used the sites as a front to acquire credit card details.

Websites Shut Down with no Court Involvement

Having been contacted by the police, Nominet disconnected the websites associated with the offending “.co.uk” names. Action was taken swiftly without recourse to formal legal proceedings or to the established dispute resolution process.

Nominet justified its action on the basis that registrants had provided false contact details, in breach of their terms of registration. Many of the registrants were based in Asia, but had registered “.co.uk” domain names

no doubt to give the appearance that they were based in the UK.

Impact

Nominet received only 20 complaints from owners of the disconnected websites. Of these, only two were reinstated, indicating that the operation achieved a very high success rate.

Can Brand Owners take advantage of this procedure?

While willing to take action on the advice of the police, Nominet does not intend to disconnect suspect websites unilaterally, solely in response to complaints of fraudulent activity from brand owners or other aggrieved parties.

What Options are Available to Brand Owners?

It is important to act quickly if you become aware that counterfeit versions of your products are being offered on a website.

UDL can advise regarding the best courses of action available, which may include the involvement of trading standard officers or the police.

Following the success of Operation Papworth, law enforcement officers may be more willing to investigate complaints and take action on your behalf.

Use UDRP

The Uniform Dispute Resolution Procedure (UDRP) offered by domain name regulatory bodies such as Nominet continues to provide an effective remedy for abusive domain name registrations. Costs are considerably lower than traditional enforcement measures through the courts.

In our experience, on-line fraudsters tend to concede the registration if a formal complaint is filed. Indeed around 90% of the domain names which are the subject of an application under UDRP are either cancelled or transferred to the rightful owner, without a defence being filed by the registrant.

Pin-pointing the true identity of a domain name registrant can be difficult, making conventional correspondence such as notification or "Letter before Action" less likely to be effective. UDRP is an effective way to identify the true owner of the domain name.

Evidence that false contact details have been provided during domain name registration or on websites might be persuasive that the domain name has been registered in bad faith.

Domain Name Watches

UDL recommends that brand owners are proactive in establishing a domain name watch. This provides early notification if a domain name is registered which incorporates one of your brands. Action can then be taken promptly, if bad faith is suspected.

Register your brand names

We also recommend that all key brands are protected with trade mark registrations so that you are in the best position to take action against fraudsters.

Trade mark registration is by far the easiest way to substantiate your rights in UDRP procedures.

Registration enables law enforcement officers to prosecute those dealing in counterfeit goods under the criminal provisions of the Trade Marks Act.

For further advice or more information on any of the issues discussed, please speak to your usual contact in the UDL trade mark team.

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