



Digital Economy Act 2010

2010 CHAPTER 24

Powers in relation to internet domain registries

19 Powers in relation to internet domain registries

After section 124N of the Communications Act 2003 insert—

“Powers in relation to internet domain registries

124O Notification of failure in relation to internet domain registry

- (1) This section applies where the Secretary of State—
 - (a) is satisfied that a serious relevant failure in relation to a qualifying internet domain registry is taking place or has taken place, and
 - (b) wishes to exercise the powers under section 124P or 124R.
- (2) The Secretary of State must notify the internet domain registry, specifying the failure and a period during which the registry has the opportunity to make representations to the Secretary of State.
- (3) There is a relevant failure in relation to a qualifying internet domain registry if—
 - (a) the registry, or any of its registrars or end-users, engages in prescribed practices that are unfair or involve the misuse of internet domain names, or
 - (b) the arrangements made by the registry for dealing with complaints in connection with internet domain names do not comply with prescribed requirements.
- (4) A relevant failure is serious, for the purposes of this section, if it has adversely affected or is likely adversely to affect—
 - (a) the reputation or availability of electronic communications networks or electronic communications services provided in the United Kingdom or a part of the United Kingdom, or

Changes to legislation: Digital Economy Act 2010, Section 19 is up to date with all changes known to be in force on or before 31 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) the interests of consumers or members of the public in the United Kingdom or a part of the United Kingdom.
- (5) In subsection (3) “prescribed” means prescribed by regulations made by the Secretary of State.
- (6) Before making regulations under subsection (3) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (7) In this section and sections 124P to 124R—
- “end-user”, in relation to a qualifying internet domain registry, means a person who has been or wants to be allocated an internet domain name that is or would be included in the register maintained by the registry;
- “qualifying internet domain registry” means a relevant body that—
- (a) maintains a relevant register of internet domain names, and
- (b) operates a computer program or server that forms part of the system that enables the names included in the register to be used to access internet protocol addresses or other information by means of the internet;
- “registrar”, in relation to a qualifying internet domain registry, means a person authorised by the registry to act on behalf of end-users in connection with the registration of internet domain names;
- “relevant body” means a company formed and registered under the Companies Act 2006 or a limited liability partnership;
- “relevant register of internet domain names” means a register of—
- (a) the names of second level internet domains that form part of the same UK-related top level internet domain, or
- (b) the names of third level internet domains that form part of the same UK-related second level internet domain;
- “second level internet domain” means an internet domain indicated by the last two elements of an internet domain name;
- “third level internet domain” means an internet domain indicated by the last three elements of an internet domain name;
- “top level internet domain” means an internet domain indicated by the last element of an internet domain name.
- (8) An internet domain is “UK-related” if, in the opinion of the Secretary of State, the last element of its name is likely to cause users of the internet, or a class of such users, to believe that the domain and its sub-domains are connected with the United Kingdom or a part of the United Kingdom.”

Commencement Information

II S. 19 in force at 17.7.2023 for specified purposes by [S.I. 2023/792](#), [art. 2](#)

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Changes and effects yet to be applied to :

- s. 19 coming into force by [S.I. 2023/792 art. 3\(a\)](#)