

Item 4

Second Protocol on enhanced cooperation and disclosure of electronic evidence – Art. 6 Request for domain name registration information

Article 6 – Request for domain name registration information

Before GDPR:

A WHOIS record used to show a registrant's information

Whois Record

Registrant:

Connie Fielder
123 Anywhere St.
Los Angeles, California 57501-0955
United States

Domain Name: allsoftwaredownload.com

Created on: 08-Jun-05

Expires on: 08-Jun-10

Last Updated on: 31-May-09

Administrative Contact:

Fielder, Connie conniefielder666@gmail.com
123 Anywhere St.
Los Angeles, California 57501-0955
United States
2131234567 Fax --

Technical Contact:

Fielder, Connie conniefielder666@gmail.com
123 Anywhere St.
Los Angeles, California 57501-0955
United States
2131234567 Fax --

Domain servers in listed order:

NS1.GOTOPointB.COM
NS2.GOTOPointB.COM

Since 2018: Key ID information redacted

Article 6:

A legal basis to obtain information for identifying or contacting the registrant of a domain name

Complement (provide a legal basis) for internet governance solutions (ICANN)

Queried **whois.enom.com** with "**websitewelcome.com**"...

```
Domain Name: websitewelcome.com
Registry Domain ID: 98149826 DOMAIN_COM-VRSN
Registrar WHOIS Server: WHOIS.ENOM.COM
Registrar URL: WWW.ENOM.COM
Updated Date: 2020-08-27T15:00:01.00Z
Creation Date: 2003-05-21T03:31:17.00Z
Registrar Registration Expiration Date: 2026-05-21T03:31:00.00Z
Registrar: ENOM, INC.
Registrar IANA ID: 48
Domain Status: clientTransferProhibited https://www.icann.org/epp#c
Registrant Name: REDACTED FOR PRIVACY
Registrant Organization: REDACTED FOR PRIVACY
Registrant Street: REDACTED FOR PRIVACY
Registrant Street:
Registrant City: REDACTED FOR PRIVACY
Registrant State/Province: TX
Registrant Postal Code: REDACTED FOR PRIVACY
Registrant Country: US
Registrant Phone: REDACTED FOR PRIVACY
Registrant Phone Ext:
Registrant Fax: REDACTED FOR PRIVACY
Registrant Email: https://tieredaccess.com/contact/6c739f33-55b4-41
Admin Name: REDACTED FOR PRIVACY
Admin Organization: REDACTED FOR PRIVACY
Admin Street: REDACTED FOR PRIVACY
Admin Street:
Admin City: REDACTED FOR PRIVACY
```



Article 6 – Request for domain name registration information

Art. 6.1 Empower competent authorities to issue a request for information

1. Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities, for the purposes of specific criminal investigations or proceedings, to issue a request to an entity providing domain name registration services in the territory of another Party for information in the entity's possession or control, for identifying or contacting the registrant of a domain name.

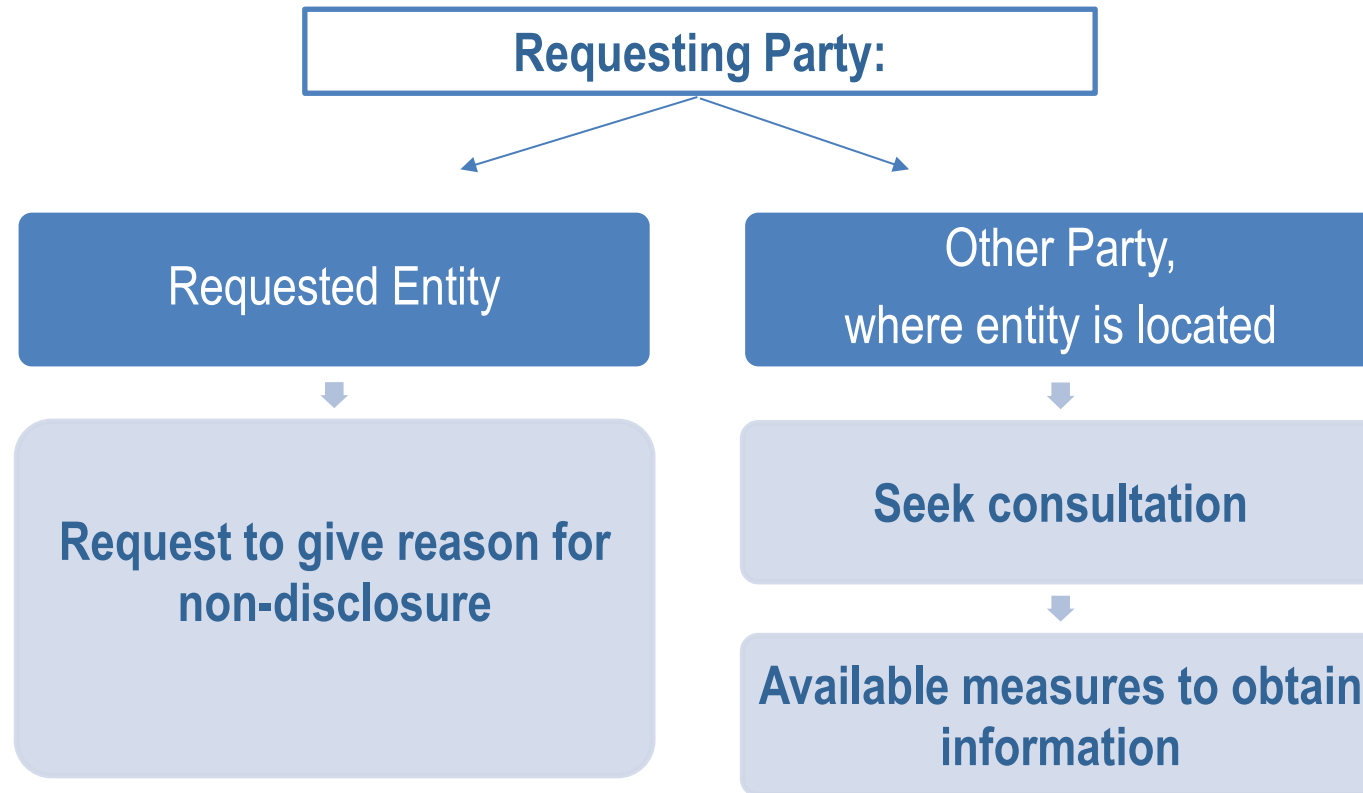
Art. 6.2 Permit an entity providing domain name registration services to disclose the information

2. Each Party shall adopt such legislative and other measures as may be necessary to permit an entity in its territory to disclose such information in response to a request under paragraph 1, subject to reasonable conditions provided by domestic law.

Article 6 – Request for domain name registration information

Response (Art. 6.5 and Art. 6.6):

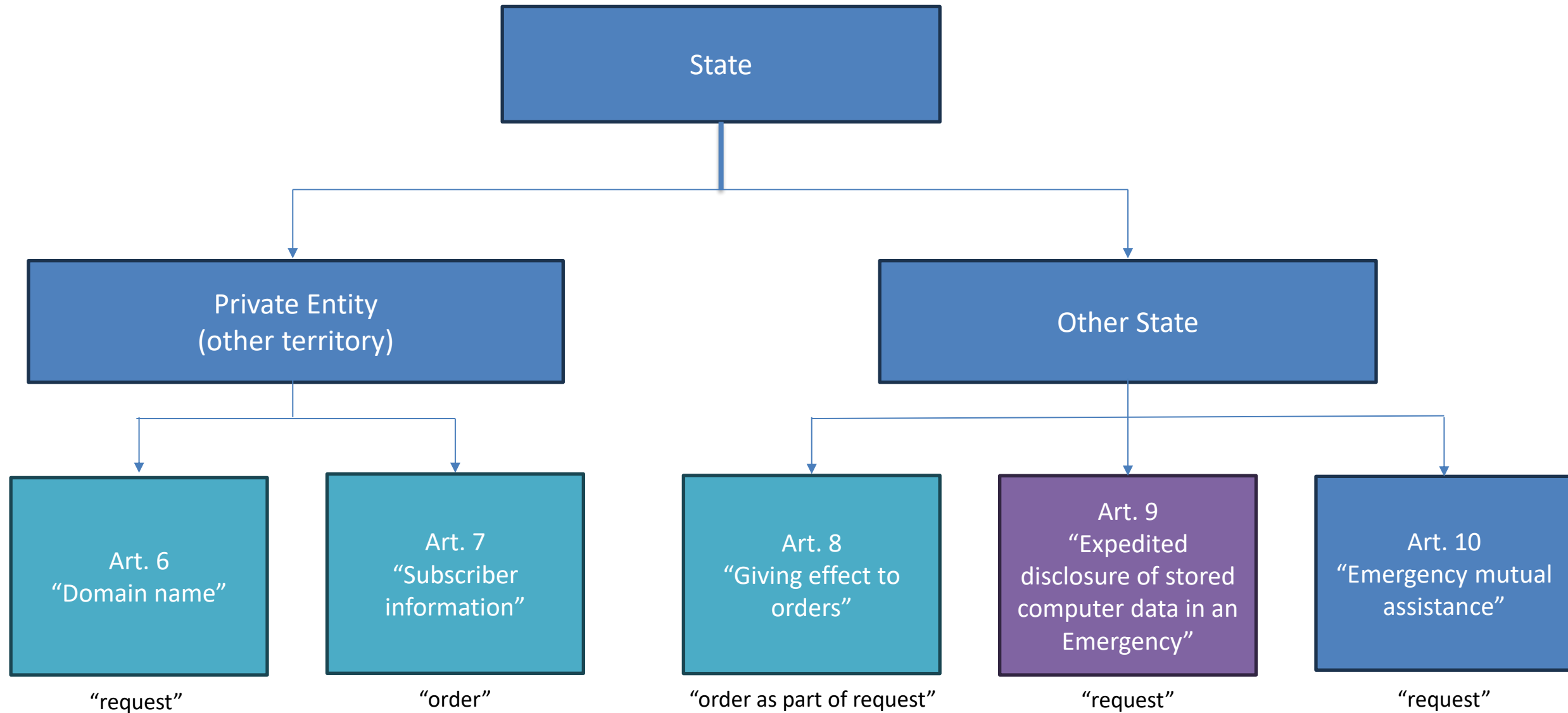
Non-cooperation by domain name registration service



Article 6 – Request for domain name registration information

Article	Declarations/notifications
6.6	<p>Each Party shall, at the time of signature of this Protocol or when depositing its instrument of ratification, acceptance or approval, or at any other time, communicate to the Secretary General of the Council of Europe the authority designated for the purpose of consultation under paragraph 5.</p>

CyberSPEX: Draft templates 2AP



- CyberSPEX: Workshop for practitioners on the procedures for cooperation under the Second Additional Protocol (in cooperation with the European Judicial Cybercrime Network (EUROJUST) and CyberSEE project)
- Support from EU Member States and feedback on the templates



Article 6 – Draft template for requests

Draft for CyberSPEX
With comments from January and February (Baltic) 2025

DRAFT version 21 February 2025

[Add logo or use letter head of requesting organization if necessary]

Request to an entity for domain name registration information according to Article 6 of the Second Additional Protocol to the Budapest Convention on Cybercrime

1 DATE OF THE REQUEST¹

DD/MM/YYYY

2 REFERENCE / CASE NUMBER

3 STATEMENT²

This request is issued pursuant to Art. 6 of the Second Additional Protocol to the Budapest Convention on Cybercrime, that the need for the information arises because of its relevance to a specific criminal investigation or proceeding and that the information will only be used for that specific criminal investigation or proceeding.

4 REQUESTED ENTITY (DOMAIN NAME REGISTRATION SERVICE)

Name

Address

Additional Information

5 REQUESTING COMPETENT AUTHORITY ³

State or State Party

¹ Art. 6 para 3.a SAP

² Art. 6 para 3.c SAP

³ Art. 6 para 3.a SAP

Organisation	
Person in charge of the request	
Address	
Telephone number	
E-mail address	
Fax number	
Office Hours	

6 TIME FRAME AND MANNER⁴

Response expected by: DD/MM/YYYY

☐ Urgency of the request

Reasons for the urgency:

- ☐ detention of the investigated persons
- ☐ eminent threat to life
- ☐ eminent threat to State
- ☐ possible loss of relevant evidence
- ☐ other:

MANNER, IN WHICH TO DISCLOSE THE INFORMATION (ELECTRONIC MEANS PREFERRED)

- ☐ email
- ☐ fax
- ☐ other:

☐ Certificate of authenticity required

7 OFFENCES SUBJECT TO CRIMINAL INVESTIGATION OR PROCEEDINGS

Offence/s

Please specify offence under the law of the requesting State:

8 LEGAL BASIS FOR REQUEST (IF APPLICABLE)⁵

Relevant decision by Court, Prosecution or other authorised body; or other legal basis for request

⁴ Art. 6 para. 3.d SAP

⁵ Note: This is not a requirement in Art.6, but it may help to execute the request by the requested entity.

Article 6 – Request for domain name registration information

Questions:

- Competent authority to issue a request under Article 6.1?
- Amendments in domestic law: e.g. would specific definitions of “entities providing domain name registration services” and/or “information in the entity’s possession or control, for identifying or contacting the registrant of a domain name” be required under domestic law? Which entities does or will your domestic law cover by the definition?(e.g. domain name registries, domain name registrars, domain name privacy and proxy service providers and domain name resellers, others)?
- Which specific laws you are considering for amendment (criminal procedural law or dedicated sectorial legislation on telecommunications or other)?
- Intention to make the declaration under Art. 6.6 concerning the authority designated for the purpose of consultation (and the nature of the authority considered - e.g. judicial, administrative, etc.)
- Other questions/implementation challenge.