

# Domain Name Commission wins first step in lawsuit against US company

*Published on 13 Sep 2018*

New Zealand's Domain Name Commission has today won a motion for preliminary injunction in a US lawsuit against the company DomainTools.

This is an important victory for the .nz domain name space and for domain name holders wanting to keep some of their personal details from public view.

Earlier this year, the Domain Name Commission mandated that a privacy option be offered for all .nz domain name holders that are not in trade. This means people can now withhold their address and phone number from publicly appearing in the online registration data search. More than 20,000 domain names have already taken up the privacy option.

DomainTools is a digital intelligence-gathering company in the US and has been scraping registration data from New Zealand's Domain Name Commission for many years. This mass collection of data breaches the Commission's terms of use and exposes details of domain name holders who choose to have their details kept private. This is because DomainTools makes available historic records which show the now withheld information.

Domain Name Commissioner, Brent Carey, says winning this lawsuit is good news for .nz domain name holders and their privacy.

"The ruling allows the Commission to continue balancing online accountability with respect for individual privacy. The ruling temporarily puts to an end DomainTools' bulk harvesting of .nz domain holders' personal information and selling that data for a profit.

"This is a step in the right direction to ensure that any person or company looking to build a business on domain name data, in violation of our Terms of Use, can't do so," says Carey.

Managers of other countries domain name systems across the world will want to pay attention to the judgment. This may raise confidence to fight their own cases should DomainTools be breaching their terms of use.

DomainTools argued that this lawsuit may cause an avalanche of litigation as other registries attempt to protect the privacy of their registrants - and Judge Lasnik stated they may be correct.

"We look forward to presenting our full case to the Court, as we seek to permanently prevent DomainTools from ever building a secondary .nz database offshore and outside the control of the Domain Name Commission," says Carey.

In court, DomainTools requested more than 5 million NZD in bond to compensate for reworking database files to ensure that .nz data is not provided to its customers. However, the judge ruled that a nominal bond of only \$1,500 NZD is required.

ENDS

[Court papers: order granting preliminary injunction](#)