

The Washington Post

DC Court rules that Top-Level Domain not subject to seizure

By [David Post](#)

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As [I mentioned several months ago](#), a group of plaintiffs, having obtained judgments in US courts against the government of Iran, has been seeking to satisfy those judgments via writs of attachment – court-ordered seizures – of property belonging to the Iranian government. This can be a relatively straightforward process when applied to bank accounts, real estate, or tangible personal property – the usual targets of seizure orders. But the plaintiffs here sought to seize the .ir top-level domain – the ccTLD (“country-code top level domain,” as distinguished from the “generic top-level domains” like .com, .org, and the like) associated with Iran. This is, plaintiffs asserted, property belonging to the Iranian government, held here in the U.S. by ICANN, the US-based administrator of the global Domain Name System (DNS), on whom the writ of attachment was served.

It raises some pretty interesting questions – like “what the heck *is* a ccTLD, anyway?” and “how do you ‘seize’ it?” and “where is it located for purposes of ‘attaching’ it?” and many others. [Geeky but useful DNS tangent here: as to the first question, country-code TLDS work like this. The DNS consists, at the top of the pyramid, of a single simple file: the “root zone” file. It lists, for each and every top-level domain recognized by the Internet, the name of the person or entity (known as the “Registry” for the TLD) responsible for assigning sub-domains in that TLD (university.ir, davidpost.ir, yournamehere.ir, etc.), and the IP Address of the machine used by the Registry to hold the list of sub-domains registered in that particular TLD. [If we look at the actual root zone file](#), -- be careful not to mess it up! the entire Internet will come crashing down if you do!!** - we see that the [Institute for Research in the Fundamental Sciences](#), located in Teheran, is the Registry for the .ir domain. So that means that if you want a .ir domain name [you need to apply to them - go ahead!](#) Names are available, and they take Visa and Mastercard! Really!]

On Monday, Judge Lamberth of the DC District Court [wisely dismissed the writs of attachment](#), holding that the ccTLD was not “property subject to attachment in the District of Columbia.” This is the right result for many reasons – not least of which is that the DNS is a public resource of enormous value on which a substantial amount of the world’s trade and commerce and entertainment and communication now takes place, and the notion that pieces of it are available to satisfy private judgments would wreak havoc on the public Internet. Judge Lamberth didn’t feel the need to go into all that – his ruling rests on the narrower (but perhaps more stable) ground that the “property” right in a ccTLD is “inextricably bound to” and “cannot

be conceptualized apart from” the *services* provided by the ccTLD manager and the root zone administrator and the rest of the DNS, and as such can’t be attached or seized (under the general rule that services are not attachable or seizable). Good stuff.

** a bit of humor – you don’t have to write me to tell me that’s actually not correct . . .

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