Notice-and-Take-Down procedure

Explanatory statement

The Notice-and-Take-Down procedure (hereafter NTD-procedure) is meant for complainants (notifiers) to submit their desire to have certain alleged illegal content removed from a website. Prior to the submittal of the complaint, the notifier must have approached the content provider (the person or organization that has published certain information, in most cases the domain holder). If the notifier is unable to retrieve the contact information of the content provider, or the content provider does not nor is willing to respond to the complaint, the notifier can turn to an intermediary. Hostnet functions as a intermediary if the website containing the alleged illegal content is hosted by Hostnet. Hostnet uses the NTD-procedure to ensure certain preconditions are met in order to resolve the conflict. Hostnet will only remove the content or take down a website if the content is unmistakably unlawful or in conflict with the (Dutch) law. Hostnet will never act on the grounds of suspicion. To process your NTD-request efficiently, the Notice-and-Take-Down form (hereafter NTD-form) must be filled out truthfully and completely. The notifier must submit the complaint to the content provider, before the NTD-form is submitted to Hostnet.

The procedure

- Hostnet receives a notification through the NTD-form. If all requirements are met, the NTD-procedure will be implemented. If the form is not filled out accurately, the NTD-request will be rejected by e-mail. The notification can be re-submitted by the notifier.
- Hostnet will check if the website is hosted by Hostnet. If this is not the case, the NTD-request will be rejected by e-mail. *
- Hostnet will notify the content provider and request a response within 2 working days. Please note that the identity of the notifier will be disclosed.

After the 2 working days response period, the following outcomes are possible:
1. Content provider removes content / website within the 2 working days. Hostnet will inform the notifier and content provider by e-mail that the complaint has been settled.
2. Content provider has not responded to notification.
2a. Hostnet will determine if the content is unmistakably unlawful within 2 working days. If so, Hostnet will place the website offline. Hostnet will inform the notifier and content provider that the complaint has been settled.
2b. If Hostnet is unable to determine illegal or unlawful content, the Notice-and-Take-Down request will be rejected. Hostnet will inform the notifier and content provider that the request has been rejected.

Please notice that unmistakably unlawful content will be directly placed offline if immediate action is imperative.

* The request can be re-submitted if the notifier has already approached the content provider and hosting provider of the website. If aforementioned parties do not respond or are unknown, the notifier
may turn to the domain registrar as intermediary. The notifier must specify this in his request.