

Internet Sovereignty in Canada

Statement on US Domain Seizures

Starting 10 June 2010, the US government began seizing domains in the .com, .net and .org registries and obtained seizure warrants for CCTLD domains in the .tv registry. [1]

These seizures, performed under the operational code names “**Operation in Our Sites**” [1], “**Operation Save Our Children**” [2] and others, represents a risk to sovereignty for Canadian Internet participants relying on the Domain Name System (DNS).

To date, these seizures have included foreign search engines which reportedly host no content [3]; foreign entities which have been found legal in their host countries[4]; and through the seizure of a DNS provider's domain name, 84,000 sub-domains representing many thousands of independent websites. [5]

We respect the right of free nations to take actions consistent with human rights to legitimately decide what their citizens may access or publish on the Internet. In particular, we feel it is the right of the Canadian Government in conformance with Charter rights, to decide what citizens of Canada are allowed to publish or access. The recent seizures by the United States have directly affected this sovereign determination over lawful content in the Canadian jurisdiction.

As an example, the site rojadirecta.org was found legal through court process in its own jurisdiction[6] and was subsequently seized by a US seizure warrant. This seizure effect is not limited to US access, but rather, removes the domain from the global DNS system on which Canadians rely. Canadian Internet participants no longer have access to the rojadirecta.org website despite no finding of illegality within the Canadian or Spanish jurisdictions, and in the face of a lawful ruling in Spain. In effect, the US has exercised a digital blockade over Canadian cross-border trade with Spain in this instance.

Worse still, these seizures are not the result of a trial process wherein the accused is presumed innocent until found guilty. Instead these seizures precede any trial or jury verdict – and in the process leave the domain's visitors with a notice that the domain has been seized for a specific reason [7][8]. Further, serious questions have been raised about the validity of the evidence used to secure the seizure warrants [9][10].

This represents a crisis for Canadian sovereignty online. Are Canadian Internet participants subject to US jurisdiction on all Internet activities that rely on the DNS system? Will the next round of seizures, like in the .tv CCTLD warrant, also attempt to seize domains in the .ca CCTLD?

We, the undersigned call on CIRA, the Canadian Parliament and the CRTC to address these serious issues of Canadian sovereignty and to adopt a digital sovereignty policy and the tools to enforce it before Dec 31, 2011.

Signed:

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1. <http://www.ice.gov/news/releases/1006/100630losangeles.htm>
2. http://www.dhs.gov/ynews/releases/pr_1297804574965.shtm
3. <http://torrentfreak.com/u-s-government-seizes-bittorrent-search-engine-domain-and-more-101126/>
4. <http://www.publicknowledge.org/blog/more-domain-seizures-dojice-spanish-website-s>
5. <http://torrentfreak.com/u-s-government-shuts-down-84000-websites-by-mistake-110216/>
6. <http://torrentfreak.com/sports-streaming-torrent-links-site-victorious-in-court-100510/>
7. <http://torrentfreak.com/images/seizedservers.gif>
8. http://torrentfreak.com/images/C3_Banner_2011_02.jpg
9. <http://www.techdirt.com/articles/20110203/01402812935/full-affidavit-latest-seizures-again-suggests-homeland-security-is-twisting-law.shtml>
10. <http://torrentfreak.com/ice-torrent-finder-untruths-110119/>