

DECISION

Date of ruling	: 28 July 2026
Case number	: 2026/01
Appellant	: WTF.IDK B.V., represented by Meester J.A. Schadd (Schadd Advocaten), referred to below as the 'legal counsel'
Respondent	: SIDN B.V.
Appeal against	: Decision made by SIDN B.V. dated 11 February 2026
Regarding	: Appeal against a decision by SIDN B.V. to delink the name servers got the domain professor.nl, in response to a notice-and-take-down request made by the Public Health Supervisory Service

Introduction

- 1.1 In an e-mail dated 11 March 2026, the legal counsel representing the Appellant submitted an appeal to the Complaints and Appeals Board for .nl Domain Names (referred to below as 'the C&AB') against a decision made by SIDN B.V. ('SIDN') on 11 February 2026 to delink the name servers for the domain professor.nl in response to a notice-and-take-down ('NTD') request regarding the domain name professor.nl made by the Public Health Regulatory Service ('the Regulator'), incorporating the Health Care and Youth Services Inspectorate ('IGJ') and the Netherlands Food and Consumer Product Safety Authority ('NVWA'). The basis of the NTD request was, to summarise, that the website associated with professor.nl was offering so-called 'designer drugs' for sale.
- 1.2 The consequence of delinking a domain's name servers in response to an NTD request is that the domain name in question is rendered inactive and the information made available on the internet is no longer reachable by means of the domain name.
- 1.3 SIDN communicated the contested decision ('the Decision') to the Appellant's legal counsel by e-mail dated 11 February 2026. In the e-mail, SIDN informed the Appellant of the right to appeal against the Decision to the C&AB within 30 days, as provided for in Article 21 of the General Terms and Conditions for .nl Registrants ('the General Terms and Conditions').

Appeal proceedings

- 2.1 The parties submitted the following documents:
 - The appeal document from the Appellant's legal counsel, received on 11 March 2026, plus appendices, including the Decision by SIDN and correspondence with the Regulator
 - The response document from SIDN dated 15 April 2026 with nine accompanying submissions
- 2.2 On 30 April 2026, SIDN additionally submitted a response from the Regulator to the Appellant's appeal document and asked the C&AB to take the response into consideration.
- 2.3 Having examined the response to the appeal document, the C&AB decided to involve the Regulator in the appeals procedure as an interested party. The latter decision was taken on the basis of Article 5, clause 8, of the Complaints and Appeals Regulations in order to enhance the C&AB's ability to establish and verify the relevant facts of the case. Hence, the Regulator was given the opportunity to respond to the various documents submitted by the Appellant and SIDN, and to provide oral input at the hearing.
- 2.4 The appeal was considered at the C&AB hearing of 29 May 2026. The Appellant, the Defendant and the Regulator were all represented at the hearing to make their cases and provide further information. SIDN's case was made partly by means of a written plea presented to the C&AB at the hearing.

Appellant's case

- 2.1 In the appeal document, the Appellant asked the C&AB to uphold its appeal against the Decision by SIDN on the grounds that there was insufficient justification for the Decision and that SIDN had failed to exercise due care in arriving at the Decision. The Appellant additionally contended that it would not have been reasonable for SIDN to arrive at the Decision if due care had been exercised.
- 2.2 To summarise, the Appellant contended that it was not clear on what grounds SIDN had decided to delink the domain name professor.nl. In particular, it was unclear to the Appellant what law or regulation the Appellant was alleged to have contravened, and that no information regarding the allegation had been provided.
- 2.3 According to the Appellant, the IGJ sent the Appellant a warning letter on 15 December 2025 stating that the Appellant was acting in contravention with the law and regulations. A reply had been sent on the Appellant's behalf expressing the Appellant's incomprehension of the allegation, and seeking clarification. The Appellant asserted that two previous inspections of the Appellant's storage facility by the IGJ had revealed that the products offered for sale by the Appellant conformed to Dutch legislation and regulations.
- 2.4 In its Decision, SIDN stated that the Regulator had concluded that professor.nl was being used in a manner that contravened Dutch legislation and regulations. The Appellant asserted that SIDN's Decision did not state what legislation and regulations the Appellant was alleged to have contravened or why SIDN had implemented the Decision. The Appellant asserted that those shortcomings were remarkable because the Appellant had written to SIDN on 30 January 2026 stating that, even following a recent change to the law, all the products offered for sale on the website at professor.nl conformed to Dutch legislation and regulations. Thereafter, the Appellant received no further communications from SIDN until the Decision of 11 February 2026 to delink the domain name's name servers.
- 2.5 The Appellant additionally believed that SIDN's action in response to the NTD request was disproportionate. In an e-mail dated 9 March 2026, SIDN alleged that two of the products contravened the current regulations. However, the Appellant emphatically asserted that the products conformed to the legislation and regulations. Moreover, the products in question were in the storage facility when it was previously inspected. The Appellant wishes its product range to conform to the applicable regulations. Furthermore, SIDN did not offer the Appellant the less consequential option of removing the relevant products from its range, but proceeded immediately to delink the business's domain name. As a result, the Appellant's business operations were immediately entirely frustrated. The Appellant contended that the Decision was therefore disproportionate. The Appellant additionally argued that SIDN had failed to exercise due care in arriving at the Decision, since SIDN had given the Appellant no opportunity to respond to the allegations. In the Appellant's view, not only had SIDN failed to state what products were alleged to contravene the legislation and regulations and failed to give the Appellant opportunity to respond, but also SIDN had failed to respect the basic principle that each party to a dispute should have the

opportunity to make their case. Therefore, the Appellant contended, SIDN had not exercised due care in arriving at the Decision.

SIDN's case

- 3.1 In its response document, SIDN asked the C&AB to dismiss the appeal.
- 3.2 In its response document, SIDN stated that its NTD Regulations are based on the Dutch Notice and Taken Down Code, 2008. SIDN had adopted the NTD Regulations voluntarily in line with its public role because SIDN considers it important that internet crime can be tackled.
- 3.3 SIDN explained that, under the NTD Regulations, a third party can ask SIDN to intervene if a .nl domain name is being used for an illegal purpose. Article 21 of the General Terms and Conditions makes specific provision for notice-and-take-down intervention. Article 21, clause 1, states: *"If an irregularity is reported to us or discovered, and we conclude that a .nl domain name is being used in an unlawful or criminal way (for example, to publish unlawful or criminal content on a website), we may immediately remove the .nl domain name temporarily or permanently from the zone file, unilaterally terminate its registration and take any other action that we consider necessary at the time."*
- 3.4 SIDN contended that, under Article 21 of the General Terms and Conditions, it is SIDN's prerogative to decide whether a domain name is being used in an unlawful or criminal way. Therefore, SIDN reasoned, when considering an appeal against an NTD decision, the only issue is whether SIDN could reasonably arrive at the decision in question.
- 3.5 SIDN went on to assert that it takes a cautious approach to intervention, intervening only if SIDN itself judges that a domain name is being used for obviously unlawful or criminal activities, or if SIDN cannot reasonably be expected to question the validity of a report to that effect. In SIDN's view, the case of the domain name professor.nl, the latter criterion was met. In this case, SIDN was unable to independently determine whether the activities associated with the domain name were unlawful or criminal. The entire basis of SIDN's action was that the Regulator is the statutory regulator with specific responsibility for the products offered for sale on the website at professor.nl, and that, as far as SIDN could judge, the request had a legitimate basis.
- 3.6 SIDN additionally contended that other circumstances were pertinent to the reasonableness of SIDN arriving at the Decision. In 2025, the owners of the company behind the website funcaps.nl, which sold so-called 'designer drugs', were prosecuted because the site was offering products of a kind that were associated with a number of deaths. The NTD request regarding the website at professor.nl was one of a number of NTD requests made by the Regulator regarding websites offering products similar to those offered by funcaps.nl. The requests were linked to the public disquiet elicited by the case of funcaps.nl.
- 3.7 In its response document, SIDN also addressed the matter of the proportionality of delinking the name servers of professor.nl, when only two products had been stated by the Regulator to contravene the law. In response to an enquiry, the Regulator informed SIDN

that, although only two products had been identified as contravening the law, the website at professor.nl as a whole was primarily devoted to the sale of products that contravened the Opium Act, the Medicines Act or the Commodities Act. SIDN contended that it had treated the latter finding as that of a statutory regulator with specific responsibility for the field in question, namely the Regulator, and had accordingly concluded that intervention was proportionate, even if its consequence was that the entire professor.nl website became unreachable using the domain name.

- 3.8 SIDN additionally stated that, on 30 January 2026, it had been informed by the Appellant that the website had since been brought into line with the legislation and regulations. SIDN forwarded the Appellant's communication to the Regulator, which had responded by explicitly stating that the products then for sale on professor.nl still contravened the law and reiterating its NTD request. SIDN then confirmed that the two products stated by the Regulator to contravene the regulations were indeed still for sale on the website.
- 3.9 SIDN accordingly contended that, in the context of the NTD Procedure, it had exercised due care in relation to all the circumstances of this case. The basis for the Decision was a report from the Regulator, which SIDN could not reasonably have been expected to question. SIDN contended that, taking all circumstances into account, it was reasonable for SIDN to decide, in response to a reasoned request made by the Regulator in accordance with SIDN's NTD Procedure, to delink the name servers for professor.nl.

Letter from the Regulator

- 3.10 The letter from the Regulator dated 17 April 2026 responding to the Appellant's appeal document, which was submitted to the C&AB by SIDN on 30 April 2026 (after the response document), explained why an NTD request regarding the domain name professor.nl had been made to SIDN on 20 January 2026. In the letter, the Regulator stated that it stood by its NTD request.
- 3.11 The Regulator asserted that designer drugs were offered for sale on the website at professor.nl. Such substances are often outside the scope of the Medicines Act and the Opium Act, but their sale nevertheless contravenes food safety legislation and represents a threat to public health. The sale of such products is principally contrary to Section 14, clauses 1 and 2a, of Regulation 178/2002. On 15 December 2025, the Regulator wrote to the Appellant warning that the website at professor.nl was offering harmful products for sale, in contravention of the legislation and regulations.
- 3.12 The Regulator additionally asserted that Section 6, clause 2, of Regulation 2015/2283 regarding novel foods was applicable to the substances offered for sale on the website at professor.nl. Novel foods covered by the Regulation must be licensed before they may be placed on the market. According to the Regulator, it is improbable that designer drugs have been or would be licensed as novel foods, since novel foods require thorough safety investigation, and designer drugs are harmful.
- 3.13 The Regulator provided a product assessment of the content of the website at professor.nl, stating that at least two products were offered for sale in contravention of Section 14, clauses 1 and 2a, of Regulation 178/2002 and Section 6, clause 2, of Regulation 2015/2283. The written response stated that, although the assessment addressed two

particular products, that did not imply that the other products offered for sale on the website conformed to the said regulations. The nature of the products on the website was such that all the products were considered to be similar. It was therefore decided to base the NTD request on two products only. That decision took account both of the urgency of the situation due to the level of public concern regarding the open online sale of designer drugs, and of the risks to public health.

- 3.14 Finally, the Regulator stated that the previous IGJ inspection of the Appellant's storage facility was not carried out in connection with the IGJ's regulatory role, but as part of an ongoing investigation into products that contravene the Opium Act or the Medicines Act, whereas the NTD request related to products that contravened the regulations referred to earlier.

Hearing

- 4.1 The appeal was considered at the C&AB hearing of 29 May 2026.
- 4.2 The legal counsel representing the Appellant and the representatives of SIDN and the Regulator set out their cases at the hearing and answered questions posed by the C&AB.

Review

- 5.1 The C&AB received the appeal document in good time. Moreover, the appeal fee referred to in Article 4.4 of the Complaints and Appeals Regulations was duly paid.
- 5.2 In the context of these appeal proceedings, the C&AB has accordingly reviewed the contested Decision, as communicated by SIDN in its e-mail of 11 February 2026.
- 5.3 In accordance with Article 3.7 of the Complaints and Appeals Regulations, the C&AB has accordingly considered whether the contested Decision was within the bounds of the law and the applicable rules defined by SIDN (the General Terms and Conditions and the published procedures), and whether, taking all circumstances into account, it was reasonable for SIDN to arrive at the Decision.
- 5.4 In this case, the review focused on whether, taking all relevant circumstances into consideration, as required by Article 21 of the General Terms and Conditions, it was reasonable for SIDN to decide to delink the name servers of professor.nl, in response to a notice-and-take-down request made by the Regulator.
- 5.5 The C&AB also took account both of Article 8 of the General Terms and Conditions, in accordance with which a domain name registrant accepts responsibility for ensuring that the domain name is not used in an unlawful or criminal way, and of SIDN's Notice and Take Down Procedure for .nl Domain Names.
- 5.6 The C&AB draws attention to the fact that Article 3.7 of the Complaints and Appeals Regulations limits the competence of the C&AB. A review by the C&AB is limited to the reasonableness of SIDN's decision.

- 5.7 The C&AB is not competent to judge the Regulator's assessment of the products offered for sale on the website at professor.nl or the conformity of those products to the legislation and regulations. Nor is the C&AB competent to judge whether, as the Appellant alleges, the Regulator failed to adequately inform the Appellant what legislation and regulations the latter was accused of contravening. If and insofar as a legal question is relevant to the case, the parties concerned should make use of the relevant legal channels.
- 5.8 What the C&AB is competent to consider is whether it was reasonable for SIDN to decide, in light of the information provided by the Regulator and the other circumstances, to act on the NTD request.
- 5.9 The C&AB considers that, despite the Appellant's assertion to the contrary, SIDN had adequate grounds for acting on the NTD request. In reaching that conclusion, the C&AB has considered that the Decision was based on a reasoned request made by the Regulator in fulfilment of its statutory duties. The C&AB shares SIDN's view that SIDN could not be expected to question the validity of the Regulator's arguments.
- 5.10 The C&AB does not accept the Appellant's assertion that the decision to delink the name servers was disproportionate, as the Regulator had stated that only two products contravened the law. In that context, the C&AB refers to the Regulator's explanation that, although only two products had been stated to contravene the law, the whole website at professor.nl is devoted primarily to the sale of designer drugs or products that are harmful and that contravene the legislation and regulations. The C&AB takes the view that the explanation given was sufficient for the Appellant to be reasonably expected to have understood what legislation and regulations the Appellant was accused of contravening.
- 5.11 The C&AB does not accept the Appellant's assertion that a less consequential alternative course of action was open to SIDN, namely to require the removal of the two products that the Regulator had stated to contravene the law. At the hearing, the Regulator provided more specific information, namely that approximately 90 per cent of the products on the website at professor.nl qualified as unlicensed novel foods. The Appellant did not provide an explicit, reasoned denial of that accusation. In light of those circumstances, requiring the removal of two products was not a reasonable alternative course of action for SIDN.

- 5.12 The C&AB considers that it was reasonable for SIDN to act on the NTD request, on the basis of the information provided by the Regulator. In light of the circumstances, the C&AB does not accept the Appellant's assertion that each of the parties should have been given the opportunity to make their case once more before action was taken. The C&AB accepts SIDN's argument that the Appellant had had adequate opportunity to make a case to SIDN and also to make direct contact with the Regulator, as SIDN had done.
- 5.13 Furthermore, SIDN followed the NTD Procedure diligently. Although the warning letter provided only brief information and argumentation, SIDN had exercised due care by seeking clarification. The C&AB considers that the explanation of the basis for the Decision given by SIDN was sufficiently clear.
- 5.14 In the interest of completeness, the C&AB observes that, in view of SIDN's particular and unique position in relation to the .nl domain and the potential consequences of its decision-making, SIDN has a duty to proceed carefully and cautiously when considering intervention such as actioning an NTD request. The delinking of the name servers of a .nl domain must be regarded as a measure of last resort.
- 5.15 Nevertheless, the C&AB observes that delinking does not render the content of a website entirely unavailable. The content of a website can remain on the web servers and can still be accessed using the IP address or another domain name. That diminishes the consequentiality of delinking. Moreover, the C&AB accepts SIDN's contention that the public health interests at stake and the public disquiet regarding the availability of designer drugs are relevant in relation to the question of whether consequential intervention was justified.
- 5.16 The C&AB considers it very important that SIDN always diligently follows every step of the NTD Procedure and documents its actions. That implies, amongst other things, approaching all parties with an interest in the NTD process. It also implies careful proportionality assessment, including more explicitly weighing up the interests served by enforcement against the interests that the domain name registrant has in the matter. In a case where it is less obvious what conclusion the C&AB should draw when reviewing an NTD decision, any failure by SIDN to follow the NTD Procedure diligently could have a bearing on the outcome.
- 5.17 In conclusion, the C&AB considers that SIDN acted in accordance with the General Terms and Conditions.
- 5.18 The C&AB sees no other reason why the considerations or Decision made by SIDN should be re-examined.
- 5.19 The foregoing leads to the conclusion that the Appellant's appeal must be dismissed.

Decision

The Complaints and Appeals Board of the Foundation for Internet Domain Registration in the Netherlands dismisses the Appellant's appeal of 11 March 2026.

This ruling was made on 28 July 2026 by meester D Kingma, Chair, members meester KAJ Bisschop, meester EPM Thole, meester SM Huydecoper and Mr E Besselink in the presence of meester HJM Gardeniers, Secretary.

[Chair's signature]
D Kingma

[Secretary's signature]
HJM Gardeniers