



Dealing with Temporary Restraining Orders

CA/B Forum – Tokyo – 25 March 2025



An existential threat

“the TRO . . . is an unprecedented event in the WebPKI . . . if allowed to proliferate, it would potentially be used by subscribers en masse to do *an end-run around important technical security controls*”

—mpalmer

Agenda

- What is a TRO
- What happened in *Alegeus*
- What should CA/B Forum do



Temporary restraining orders (TROs) are a type of short-term injunction issued to prevent a party from taking a certain action until the court is able to issue a more enduring order.

TROs are a type of equitable remedy.



Ex Parte Proceedings

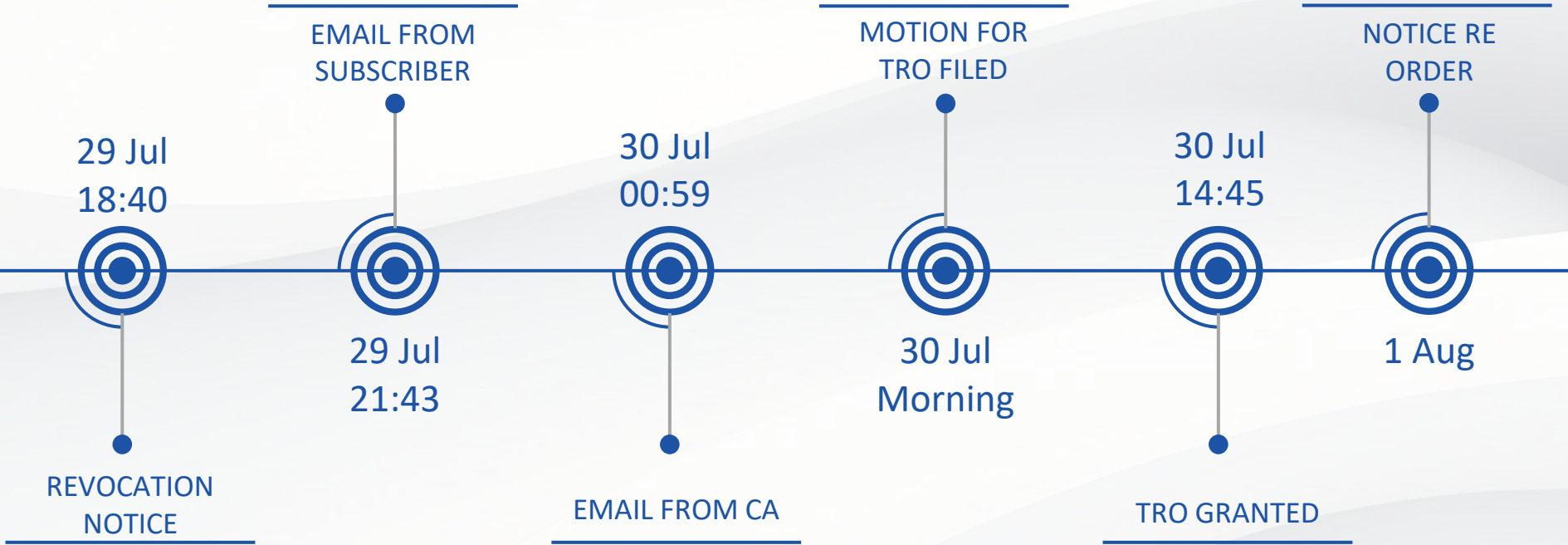
An "*ex parte* proceeding" is a legal action or motion initiated by one party without the knowledge or presence of the other party, typically used in urgent situations where immediate relief is needed, like a temporary restraining order.



Requirements for a TRO

1. a likelihood that the movant will suffer ***irreparable harm*** in the absence of preliminary relief;
2. a likelihood of ***success on the merits***;
3. that the ***balance of the equities*** tips in the movant's favor; and
4. that the injunction ***is in the public interest***

Alegeus Timeline



Irreparable Harm

- Would impede access to healthcare accounts
- Would subject Subscriber to high penalties
- Would open up Subscriber to lawsuits
- Would harm Subscriber's goodwill and reputation
- Would cause Subscriber economic damage that cannot be readily calculated

Success on the Merits

- CA was contractually obligated to provide “valid digital security certificates for each of” Subscriber’s websites.
- Providing improperly validated certificates was a breach of contract
- **Counter** - Not all contract documents were provided to the court
- **Counter** –The BRs require an “acknowledgment and acceptance that the CA is entitled to revoke the certificate immediately if . . . revocation is required by the CA’s CP, CPS, or these Baseline Requirements.”

Balance of the Equities

- Subscriber and millions of customers will be irreparably harmed
- No harm will befall CA
- This revocation issue arises as a result of CA's error

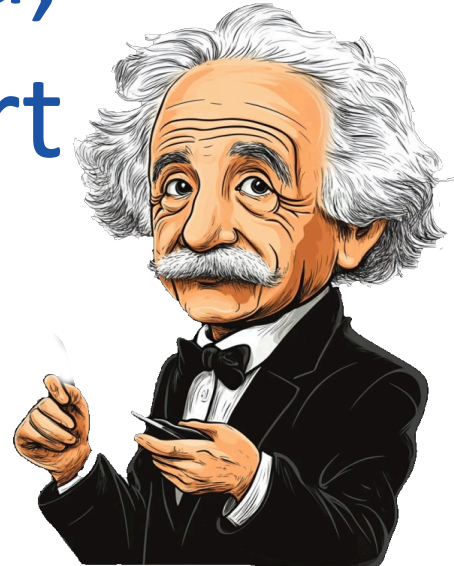
Public Interest

- Millions of consumers will be harmed
- A seven-day delay in revocation is no big deal
- Subscriber cannot estimate the time to restore service
- **Counter** – Need to tell the story of the public benefit of WebPKI and the need for security controls

What do we do?

- Educate
- Respond
- Deter

“There is no way for
Alegeus to meet
DigiCert’s self-imposed,
and unreasonably short
(21-hour)
recertification
demand”



Respond

1. Prepare an industry response
2. Require CAs to object/seek dissolution
3. Facilitate the filing of amicus intervention
4. Consider new/refined contractual requirements



Deter

1. Defined consequences
2. Publish domains/offenders
3. High Risk Certificate Request
4. Seek sanctions



Thank you