



Via Email: policy.review@auDA.org.au

April 23, 2019

Policy Review Panel
c/o .au Domain Administration Ltd.
PO Box 18315
MELBOURNE VIC 3001

Dear Mesdames and Messieurs:

**Re: 2017 Policy Review Panel Final Report and Recommendations auDA /
Management Response**

I write to you again on behalf of the Internet Commerce Association (the "ICA"). You will recall that we had submitted a Comment on April 9, 2019, in connection with the above-noted Final Report.

The ICA commends auDA Management on its conclusion, that it "does not support the PRP recommendation for a resale and warehousing prohibition" as stated in auDA Management's Response to the Policy Review Panel's Final Report and Recommendations (the "PRP")

This rejection of certain proposed policy changes was a strong and principled stand against unjustified proposed policies which would have had a detrimental effect on domain name investors and on the Australian namespace as a whole.

In particular, we commend auDA Management's conclusion that, "there is no evidence that domain name flipping as an investment strategy is having a negative impact on the utility of the .au domain nor resulting in a scarcity of domain names" and that "the PRP has not provided any evidentiary material on which to assess the nature of the warehousing problem and what, if any, action is required".

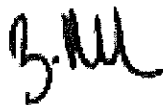
Box 4999, Washington, DC 20008
info@internetcommerce.org

We also commend auDA Management when it rightly concluded that, “the warehousing prohibition appears to disproportionately target domain investors as the licence portfolios or holdings of trademark and brand owners will be excluded under the PRP proposal. This proposal elevates the rights of trademark and other intellectual property owners over other licence holders in the .au domain, which may give rise to issues of market power and anti-competitive practices.”

We also commend auDA Management on intending to abolish the domain monetisation rule for the com.au and net.au namespaces so as to enable, “a Person... to use [their domain name] for any legitimate purpose, including domain name monetisation or domain name investment.” As Management noted, “this is consistent with the approach in other ccTLDs, including .ca, .nz, .fr, .uk and .de domains.”

The ICA is very pleased that auDA Management has gotten these crucial issues right and that it has resisted unsubstantiated and ill-conceived attempts to prohibit domain name investing and monetisation in the .au namespace. The ICA believes that the rejection of these proposed policies will ensure the continued viability and success of the .au namespace and expresses its appreciation for auDA management’s clear rejection of these wrongheaded policy proposals which would have dramatically affected domain name investment in Australia.

Yours truly,
INTERNET COMMERCE ASSOCIATION



Per:
Zak Muscovitch
General Counsel, ICA

Direct Registration

Chris <chris@ch.id.au>

Wed 24/04/2019 8:52 PM

To: policies <policies@auda.org.au>;

I make a submission on the namespace implantation of the .au direct registration.

1. I generally support the implementation of the Direct Registration of .au namespace
2. I support the concept of priority status for those you have a holds an eligible licence.

Chris

Chris A Harris
14 Brougham Court
North Adelaide SA 5006
Australia

--

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.<http://www.mailguard.com.au/mg>

Click here to report this message as spam:

<https://console.mailguard.com.au/ras/1VznKVSiow/3MjBoC9EqDaQHIDaLQrfYe/2.4>

Feedback concerning the auDA's Direct Registration policy...

Paul Hopkins - Atom Software <phopkins@atomsoftware.com.au>

Thu 25/04/2019 6:19 PM

To: auDA Policy Review <policy.review@auda.org.au>;

Dear Sir/Madam,

Atom Software is a domain name reseller, and we have only just heard (from a YouTube advertisement) of the Direct Registration policies being proposed by the auDA. After reading through some of the material the auDA is claiming that it has sought significant consultation with the community, however if it had it would have directly approached the principle stakeholders affected by this decision who are the Australian domain name resellers and (more importantly) the Australian domain name holders for feedback – which it has not.

I consider that the policy of allowing direct domain name registration at the second-level of the DNS hierarchy to be short-signed from Australia's perspective for the following reasons:

- Current third-level domain names will be devalued. Businesses and individuals will be obliged to acquire the second-level domain name equivalents of their third-level domains otherwise another business will be allowed to acquire the domain.
- The availability of usable second-level domain names will quickly dwindle, choking the .au domain just as the .com domain is currently choked.... Australia will then be looking for a fresh top-level domain as the extensibility of .au will have been exhausted.
- Competition of domain names at the .au level will be ridiculously high... the auDA should be opening up the availability of domain names to the public... allowing domains to be created at the second-level will quickly reduce domain name availability.

If the auDA wishes to increase availability of domain names for all Australians it should make more second-level domain extensions available (such as .co.au and .comp.au) so that Australian's can register third-level domains against these extensions. In the long run this will increase the number of domain names being registered far more than clogging up and thereby strangling Australia's .au top-level domain.

Yours sincerely,

Paul Hopkins.

Paul Hopkins BSc MACS

CEO and Senior IT Solution Architect and Developer

0417 043 977 | phopkins@atomsoftware.com.au

Atom Software Pty Ltd

<https://www.atomsoftware.com.au>



Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.

<http://www.mailguard.com.au/mg>

[Report this message as spam](#)



The Summit Group (Australia) Pty Ltd
Unit 2, 31-39 Norcal Road
NUNAWADING VIC 3131

Phone 1300 049 749

.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001

By email to: policies@auda.org.au

Dear Sirs,

RE: Submissions on Policy Review Panel (PRP) Reform of Existing Policies and Implementation Plan for Direct Registration

1. About The Summit Group (Australia) Pty Ltd ("Summit")

Summit is an authorised reseller of auDA accredited registrar Synergy Wholesale Pty Ltd for domain names, including in the com.au and net.au namespaces. These submissions are based on (amongst other things) Summit's experience in providing domain name registration, renewal and management services to Australian registrants.

2. Reform of Existing Policies (2017 Policy Review Panel Final Report and Recommendations auDA Management Response; Board Presentation - 15 April 2019; and Proposed Licensing Rules)

Summit agrees with and supports the auDA Management Response to the 2017 Policy Review Panel Final Report (*auDA Management Response*) located at <https://www.auda.org.au/public-comment/>

In addition to the comments made by auDA in its response, we add the below additional comments;

a. Reform of Existing Policies on Monetisation (PRP Recommendation 9)

Consistent with the auDA Management Response, Summit agrees with and supports the current policy of domain name monetisation as being a basis for satisfying the allocation criteria in the com.au and net.au namespaces.

Further, Summit agrees with and supports the auDA Management Response to expand allocation criteria to include registration for the purpose of pay-per-click or affiliate web advertising/ lead generation, or electronic information services including email, file transfer protocol, cloud storage or managing Internet of Things (IoT) devices.

b. Reform of Existing Policies on Resale (PRP Recommendations 5 and 6)

Consistent with the auDA Management Response, Summit agrees with and supports removal of the prohibition on registration of domain names in commercial namespaces (com.au, net.au and .au) for the sole purpose of resale or transfer to another entity.

c. Reform of Existing Policies on Warehousing (PRP Recommendation 5 and 6)
Consistent with the auDA Management Response, Summit does not agree with nor support the introduction (or strengthening, to the extent that they already exist) of prohibitions on domain name "warehousing".

d. Reform of Existing Policies on Misspelling (PRP Recommendations 16, 17, 18 & 19)
Consistent with the auDA Management Response, Summit does not agree with nor support retention of the Prohibition of Misspellings Policy (2008-09).

3. Implementation Plan for Direct Registration (Recommendations 22, 23; and Proposed .au Namespace Implementation Rules)

Summit agrees with and supports the auDA Management Response to the PRP's Recommendations 22 and 23 in relation to the implementation plan for direct registration.

Further, Summit agrees with and supports the draft .au Namespace Implementation Rules prepared by auDA at <https://www.ada.org.au/assets/Uploads/auDA-namespace-implementation-rules-15-April-2020.pdf>

4. Conclusion

We recognise the primary importance of auDA's role in the management of the .au namespace. We acknowledge that the consultative process around the proposed introduction of direct registration has been continuing in Australia for over 4 years. Furthermore, we acknowledge and applaud the extensiveness of auDA's most recent public consultation activities, including focus groups, targeted consultation and the current nation-wide public awareness campaign.

Australian Internet community stakeholders have all had an opportunity to participate in the consultation process. We believe the auDA Management Response to be fair and balanced and will further enhance the strength, stability and utility of the .au namespace.

We encourage auDA to implement the proposed policy reforms as expediently as possible.

Please address any queries in relation to the above to Greg Lipschitz on 0388140300 or by email to glipschitz@summitinternet.com.au

Yours sincerely

Greg Lipschitz
CEO
Summit Internet

Mr Cameron Boardman
Chief Executive Officer
.au Domain Administration Ltd

email: cameron.boardman@auda.org.au

ACMA file reference: ACMA2016/340

Dear Mr Boardman

Proposed policy changes to the Australian domain name system

Thank you for your 29 April 2019 letter in which you drew the ACMA's attention to auDA's release of a draft implementation model for second level domain name registration in the .au namespace and revised licensing rules.

You specifically offered the ACMA the opportunity to review the draft model and rules. I do not consider these raise any direct compliance or regulatory concerns in respect of the legislation administered by the ACMA.

It is, however, possible the draft model and rules may raise concerns in respect of competition law or government communications policy. For this reason, you may wish to consider drawing the attention of the Australian Competition and Consumer Commission and the Department of Communications and the Arts, respectively, to the proposed policy changes.

Yours sincerely


Nerida O'Loughlin

5 May 2019



7th May 2019

.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001

By email to: policies@auda.org.au

Dear Sirs,

RE: Submissions on Policy Review Panel (PRP) Reform of Existing Policies and Implementation Plan for Direct Registration

1. About Chill Technology

Chill Technology is an authorised reseller of auDA accredited registrar Synergy Wholesale Pty Ltd for domain names, including in the com.au and net.au namespaces. These submissions are based on (amongst other things) Chill Technology's experience in providing domain name registration, renewal and management services to Australian registrants.

2. Reform of Existing Policies (2017 Policy Review Panel Final Report and Recommendations auDA Management Response; Board Presentation - 15 April 2019; and Proposed Licensing Rules)

Chill Technology agrees with and supports the auDA Management Response to the 2017 Policy Review Panel Final Report (*auDA Management Response*) located at <https://www.auda.org.au/public-comment/>

In addition to the comments made by auDA in its response, we add the below additional comments;



a. Reform of Existing Policies on Monetisation (PRP Recommendation 9)

Consistent with the auDA Management Response, Chill Technology agrees with and supports the current policy of domain name monetisation as being a basis for satisfying the allocation criteria in the com.au and net.au namespaces.

Further, Chill Technology agrees with and supports the auDA Management Response to expand allocation criteria to include registration for the purpose of pay-per-click or affiliate web advertising/ lead generation, or electronic information services including email, file transfer protocol, cloud storage or managing Internet of Things (IoT) devices.

b. Reform of Existing Policies on Resale (PRP Recommendations 5 and 6)

Consistent with the auDA Management Response, Chill Technology agrees with and supports removal of the prohibition on registration of domain names in commercial namespaces (com.au, net.au and .au) for the sole purpose of resale or transfer to another entity.

c. Reform of Existing Policies on Warehousing (PRP Recommendation 5 and 6)

Consistent with the auDA Management Response, Chill Technology does not agree with nor support the introduction (or strengthening, to the extent that they already exist) of prohibitions on domain name "warehousing".

d. Reform of Existing Policies on Misspelling (PRP Recommendations 16, 17, 18 & 19)

Consistent with the auDA Management Response, Chill Technology does not agree with nor support retention of the Prohibition of Misspellings Policy (2008-09).

3. Implementation Plan for Direct Registration (Recommendations 22, 23; and Proposed .au Namespace Implementation Rules)

Chill Technology agrees with and supports the auDA Management Response to the PRP's Recommendations 22 and 23 in relation to the implementation plan for direct registration.

Further, Chill Technology agrees with and supports the draft .au Namespace Implementation Rules prepared by auDA at <https://www.auda.org.au/assets/Uploads/auDA-namespace-implementation-rules-15-April-2020.pdf>



4. Conclusion

We recognise the primary importance of auDA's role in the management of the .au namespace. We acknowledge that the consultative process around the proposed introduction of direct registration has been continuing in Australia for over 4 years. Furthermore, we acknowledge and applaud the extensiveness of auDA's most recent public consultation activities, including focus groups, targeted consultation and the current nation-wide public awareness campaign.

Australian Internet community stakeholders have all had an opportunity to participate in the consultation process. We believe the auDA Management Response to be fair and balanced and will further enhance the strength, stability and utility of the .au namespace.

We encourage auDA to implement the proposed policy reforms as expediently as possible.

Please address any queries in relation to the above to Nadia Bakhos by email to info@chilltechnology.com.au.

Yours sincerely

Nadia Bakhos
Managing Director
Chill Technology

FW: Shorter Names

Alister Paterson

Tue 7/05/2019 4:13 PM

To: policies <policies@auda.org.au>;

Cc: Bruce Tonkin <bruce.tonkin@auda.org.au>;

For our records.

Alister Paterson

Head of Government Affairs

Strategic Adviser

.au Domain Administration Ltd

T: +61 3 8341 4111 F: +61 3 8341 4112

M: +61 412 637 311

E: alister.paterson@auda.org.au W: www.auda.org.au

Twitter: @auda | Blog: www.auda.org.au/blog/

auDA - Australia's Domain Name Administrator

auDA - Australia's Domain Name Administrator

Important Notice

This email may contain information which is confidential and/or subject to legal privilege, and is intended for the use of the named addressee only. If you are not the intended recipient, you must not use, disclose or copy any part of this email. If you have received this email by mistake, please notify the sender and delete this message immediately.

From: Bailey, Isobel (R. Sharkie, MP) [mailto:Isobel.Bailey@aph.gov.au]

Sent: Tuesday, 7 May 2019 4:03 PM

To: Alister Paterson <alister.paterson@auda.org.au>

Subject: Shorter Names

Dear Mr Paterson,

Apologies for the delay in responding to your letter dated 15 April 2019 regarding the shorter Australian domain name.

The only query I had was around cost to business for registering the new .au domain. However, is it safe to assume the costs would not be over and above those which are already incurred as part of the ordinary annual registration process?

Otherwise, everyone in the office found it incredibly interesting to learn about how the .com.au/.au domain was managed!

Thanks,

Isobel Bailey
Policy Adviser

Office of Rebekha Sharkie MP

Federal Member for Mayo

Shop 1 /72 Gawler Street Mount Barker SA 5251 | Tel: 08 8398 5566

Policy Review Panel (PRP) recommendations.

Les Worthington <lesw@webman.com.au>

Wed 8/05/2019 6:13 PM

To: policies <policies@auda.org.au>;

📎 1 attachments (20 KB)

feedback-auda.docx;

Thanking you for your consideration and invitation for feedback.

--

Kind Regards,

Les Worthington

Ph: 0411 042 517

<https://webman.com.au/>

--

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.<http://www.mailguard.com.au/mg>

Click here to report this message as spam:

<https://console.mailguard.com.au/ras/1VF6dcm4uq/3kUI63i682yro0IUUskjco/2.4>

auDA Policy and Direct Registration Updates

auDA Policy Updates

Existing policies be simplified and consolidated into three policies

We support the implementation of this recommendation as it creates clarity, ease of use and reduces the potential for contradictory and conflicting policy application.

For all domain names registered in .com.au, .net.au, .org.au, .asn.au, .id.au and .au, the registrant must be a legal person with an Australian presence

We support the implementation of this recommendation as it simplifies eligibility requirements and specifications, particularly in line with further recommendations below.

A consistent Australian presence test should apply to all domain names registered in .com.au, .net.au, .org.au, .asn.au, .id.au and .au

We support the implementation of this recommendation as it provides consistency across the domain space.

The applicant or owner of an Australian trade mark application or registration can rely upon that application or registration to establish an Australian presence, but only in respect of a domain that is an exact match to the Australian trade mark application or registration.

We do not support the implementation of this recommendation as it creates a diversification in the application of policy towards registrants.

Our proposal is to simplify the application of policy whereby only an Australian presence is required to satisfy eligibility in .au, .com.au and .net.au

The resale and warehousing prohibition rules should be retained and strengthened.

We partially support the implementation of this recommendation whereby application of this policy continues across .edu.au, .org.au, .asn.au, .id.au and .vic.au.

We do not support the application on .au, .com.au or .net.au spaces.

Registrants should be prohibited from registering a domain name “primarily” for the purpose of resale or warehousing

We do not support the implementation of this recommendation on the basis of the above.

A list of factors indicating that a domain name has been registered primarily for resale or warehousing should be included in the new Registrant Policy, and if the majority of these factors are met, then the onus should shift to the registrant to demonstrate that the registrant did not register the domain name for purpose of resale or warehousing.

We do not support the implementation of this recommendation on the basis of the above.

The “close and substantial connection” rule be retained and expanded to recognise online directories and informational services that specifically and predominantly relate to the subject matter of that domain name.

We do not support the implementation of this recommendation as it is proposed (below) to not apply this requirement on the .au domain space.

We do not see a material purpose for it to be continued to be applied across .com.au and .net.au and therefore see no need for expansion.

Domain Monetisation should no longer be a basis to meet the allocation criteria to register a domain name in the .au domain space.

We do not support the implementation of this recommendation.

Removing allowance of this purpose unnecessarily restricts legitimate use cases.

A registrant should have a six months grace period from first registration to meet the close and substantial connection test.

We do not support the implementation of this recommendation as it would not apply in case of the above but even so, we do not support grandfathering of new policies on previous registrations due the negative impact it could cause on legitimate registrants, businesses and end users.

Existing registrants should be allowed to retain their registrations until the end of the current registration period, but should only be able to renew their registrations if they meet the then current eligibility and allocation rules at the time of renewal.

We do not support the implementation of this recommendation for the same reasons above.

A process be created to allow transferees of existing domain names to receive the benefit of the remainder of the licence period.

We partially support the implementation of this recommendation.

As there is a requirement from auDA requiring the new registrant to enter into a new registrant agreement with respect to the particular domain name, this recommendation (from the Panel) cannot be implemented.

auDA provided a follow up recommendation that a credit of the remaining period of the license shall be applied to the new registrant. We do not support this recommendation on the basis that it is not feasible from an administrative perspective.

In addition to auDA's ability to cancel a domain name licence in defined circumstances, auDA will have the power to suspend a domain name licence. The period of suspension should be limited

We support the implementation of this recommendation as it provides capability to cancel domain names which are being used for malicious or illegal activities.

During the period of suspension, the registrant of a suspended domain name will have the ability to appeal the suspension under the new Complaints Policy

We support the implementation of this recommendation as it allows a process by which registrants can contest an arguably subjective decision made by the regulator.

The ability to cancel or suspend a domain name licence to "comply with a request of a law enforcement agency, or an order of a court or under any applicable law, government rule or requirement, or under any dispute resolution process" will be clarified as set out above.

We support the implementation of this recommendation in light of the above comments.

The Prohibited Misspelling List be retained

We partially support this recommendation.

We believe that commercial & corporate entities should be removed from this list as there are a range of protections covered by Australian laws and regulations which apply to such organisations.

We further recommend auDA consider the merging of the Prohibited Misspelling Policy with the Reserved List Policy (below).

The list remain publicly available on the auDA website. The following details will be disclosed on the published list: the blocked domain name, the date the domain name was blocked, the person or entity that lodged the complaint, and the rights the complainant relied on. The misspelling should be blocked in all relevant name spaces

We support the implementation of this recommendation for the sake of clarity and transparency to all stakeholders.

auDA will have the discretion to unblock the prohibited misspelling if the potential registrant can demonstrate that it has legitimate grounds for use of the domain name.

We support the implementation of this recommendation and that the process is made clear and transparent.

A Reserved List will be retained and comprised of:

- **Words, phrases and acronyms prohibited by Australian law, including both Commonwealth and State law;**
- **Names and abbreviations of Australian states and territories and the name “Australia”;**
- **Names that threaten the integrity and stability of the .au name space; and**
- **Names for use as future 2LDs, with registrations at the third level.**

We support the implementation of this recommendation due to the necessary protections it affords.

We further recommend auDA consider merging the Reserved List Policy with the Prohibited Misspelling Policy.

The Reserved List will be published in its entirety on the auDA website (except for names that cannot be published for security reasons)

We partially support the implementation of this recommendation. For the sake of transparency to potential registrants, we seek maximum visibility of this list through publication.

The complication however comes similarly to the above, through security concerns, of potential domain names that could be confused for those used for high security matters within Australia. Publication of such domains could expose legitimate domains to become targeted.

For .au, you won't be able to register names that are deceptively similar to existing second level domains. For example:

- **.co.au (similar to .com.au)**
 - **Mygov.au (similar to my.gov.au)**
-

We support the implementation of this recommendation as noted above within the Reserved List Policy.

Allow names related to major written language groups in Australia and major trading partners:

- **Chinese (Simplified)**
- **Korean**
- **Japanese**
- **Arabic**
- **Vietnamese**

We support the implementation of this recommendation pending clarity on process, timing and technical integration details.

Prohibition on rent, lease or sub-license to a third party unless a related body corporate with an Australian presence.

We support the implementation of this recommendation as it provides legitimacy in view of the revised eligibility criteria.

Bring .au into line with all other TLDs, and allow a registrant to renew at the time of their choosing.

We support the implementation of this recommendation as it gives control, consistency and uniformity to the industry.

Revision to the “Escalation process for complaints”

We support the implementation of this recommendation and further encourage auDA to clearly document and articulate the process.

auDA Policy and Direct Registration Updates Submission

George Skarentzos <george@techdivision.com.au>

Wed 8/05/2019 6:13 PM

To: policies <policies@auda.org.au>;

Importance: High

auDA Policy Updates

Existing policies be simplified and consolidated into three policies

We support the implementation of this recommendation as it creates clarity, ease of use and reduces the potential for contradictory and conflicting policy application.

For all domain names registered in .com.au, .net.au, .org.au, .asn.au, .id.au and .au, the registrant must be a legal person with an Australian presence

We support the implementation of this recommendation as it simplifies eligibility requirements and specifications, particularly in line with further recommendations below.

A consistent Australian presence test should apply to all domain names registered in .com.au, .net.au, .org.au, .asn.au, .id.au and .au

We support the implementation of this recommendation as it provides consistency across the domain space.

The applicant or owner of an Australian trade mark application or registration can rely upon that application or registration to establish an Australian presence, but only in respect of a domain that is an exact match to the Australian trade mark application or registration.

We do not support the implementation of this recommendation as it creates a diversification in the application of policy towards registrants.

Our proposal is to simplify the application of policy whereby only an Australian presence is required to satisfy eligibility in .au, .com.au and .net.au

The resale and warehousing prohibition rules should be retained and strengthened.

We partially support the implementation of this recommendation whereby application of this policy continues across .edu.au, .org.au, .asn.au .id.au and .vic.au.

We do not support the application on .au, .com.au or .net.au spaces.

Registrants should be prohibited from registering a domain name "primarily" for the purpose of resale or warehousing

We support the implementation of this recommendation.

A list of factors indicating that a domain name has been registered primarily for resale or warehousing should be included in the new Registrant Policy, and if the majority of these factors are met, then the onus should shift to the

auDA Direct Registration

That Direct Registration be implemented as soon as practical in accordance with the implementation policy set out in Annexure E to this paper (of the Policy Review Panel).

We support the implementation of this recommendation.

We believe this initiative is an important milestone in the evolution of the Australian domain space. It follows similar moves from .jp, .nz and .uk in allowing registrations at the second level and has many potential benefits as highlighted in the Policy Review Panels paper.

That domain names directly registered under .au will have no eligibility or allocation criteria, other than an Australian presence requirement.

We support the implementation of this recommendation as it removes significant roadblocks stopping Australians from engaging with the Australian domain space. Previous eligibility requirements have led to exit from the process but more importantly to engagement with other, non-Australian domain spaces.

We further recommend that the same eligibility policies apply to the .com.au and .net.au domain name spaces. This will drive consistency and reduce confusion and further restriction. If the initiatives of Direct Registration consist of Desirability, Competitiveness and a stronger Australian connection, it stands to reason that continued restriction on these spaces is redundant.

Further to this, the majority of regular end users do not (and will not) understand the relation of .com.au and .net.au to commercial entities and organisations as it is not commonly applied within other domain spaces, particularly with .com and .net which are the internet's most adopted TLDs.

That all auDA Policies (where applicable) apply to domain names directly registered under .au.

We support the implementation of this recommendation as it brings consistency and transparency which is to the benefit of the majority of registrants within the Australian domain space.

That there be a widespread education and awareness campaign leading up to the release of direct registrations.

We support the implementation of this recommendation and the transparency and awareness it will bring.

registrant to demonstrate that the registrant did not register the domain name for purpose of resale or warehousing.

We support the implementation of this recommendation.

The "close and substantial connection" rule be retained and expanded to recognise online directories and informational services that specifically and predominantly relate to the subject matter of that domain name.

We do not support the implementation of this recommendation as it is proposed (below) to not apply this requirement on the .au domain space.

We do not see a material purpose for it to be continued to be applied across .com.au and .net.au and therefore see no need for expansion.

Domain Monetisation should no longer be a basis to meet the allocation criteria to register a domain name in the .au domain space.

We do not support the implementation of this recommendation.

Removing allowance of this purpose unnecessarily restricts legitimate use cases.

A registrant should have a six months grace period from first registration to meet the close and substantial connection test.

We do not support the implementation of this recommendation as it would not apply in case of the above but even so, we do not support grandfathering of new policies on previous registrations due the negative impact it could cause on legitimate registrants, businesses and end users.

Existing registrants should be allowed to retain their registrations until the end of the current registration period, but should only be able to renew their registrations if they meet the then current eligibility and allocation rules at the time of renewal.

We do not support the implementation of this recommendation for the same reasons above.

A process be created to allow transferees of existing domain names to receive the benefit of the remainder of the licence period.

We partially support the implementation of this recommendation.

As there is a requirement from auDA requiring the new registrant to enter into a new registrant agreement with respect to the particular domain name, this recommendation (from the Panel) cannot be implemented.

auDA provided a follow up recommendation that a credit of the remaining period of the license shall be applied to the new registrant. We do not support this recommendation on the basis that it is not feasible from an administrative perspective.

In addition to auDA's ability to cancel a domain name licence in defined circumstances, auDA will have the power to suspend a domain name licence. The period of suspension should be limited

We support the implementation of this recommendation as it provides capability to cancel domain names which are being used for malicious or illegal activities.

During the period of suspension, the registrant of a suspended domain name will have the ability to appeal the suspension under the new Complaints Policy

We support the implementation of this recommendation as it allows a process by which registrants can contest an arguably subjective decision made by the regulator.

The ability to cancel or suspend a domain name licence to "comply with a request of a law enforcement agency, or an order of a court or under any applicable law, government rule or requirement, or under any dispute resolution process" will be clarified as set out above.

We support the implementation of this recommendation in light of the above comments.

The Prohibited Misspelling List be retained

We partially support this recommendation.

We believe that commercial & corporate entities should be removed from this list as there are a range of protections covered by Australian laws and regulations which apply to such organisations.

We further recommend auDA consider the merging of the Prohibited Misspelling Policy with the Reserved List Policy (below).

The list remains publicly available on the auDA website. The following details will be disclosed on the published list: the blocked domain name, the date the domain name was blocked, the person or entity that lodged the complaint, and the rights the complainant relied on. The misspelling should be blocked in all relevant name spaces

We support the implementation of this recommendation for the sake of clarity and transparency to all stakeholders.

auDA will have the discretion to unblock the prohibited misspelling if the potential registrant can demonstrate that it has legitimate grounds for use of the domain name.

We support the implementation of this recommendation and that the process is made clear and transparent.

A Reserved List will be retained and comprised of:

- Words, phrases and acronyms prohibited by Australian law, including both Commonwealth and State law;
- Names and abbreviations of Australian states and territories and the name "Australia";
- Names that threaten the integrity and stability of the .au name space; and
- Names for use as future 2LDs, with registrations at the third level.

We support the implementation of this recommendation due to the necessary protections it affords.

We further recommend auDA consider merging the Reserved List Policy with the Prohibited Misspelling Policy.

The Reserved List will be published in its entirety on the auDA website (except for names that cannot be published for security reasons)

We partially support the implementation of this recommendation. For the sake of transparency to potential registrants, we seek maximum visibility of this list through publication.

The complication however comes similarly to the above, through security concerns, of potential domain names that could be confused for those used for high security matters within Australia. Publication of such domains could expose legitimate domains to become targeted.

For .au, you won't be able to register names that are deceptively similar to existing second level domains. For example:

- .co.au (similar to .com.au)
- Mygov.au (similar to my.gov.au)

We support the implementation of this recommendation as noted above within the Reserved List Policy.

Allow names related to major written language groups in Australia and major trading partners:

- Chinese (Simplified)
- Korean
- Japanese
- Arabic
- Vietnamese

We support the implementation of this recommendation pending clarity on process, timing and technical integration details.

Prohibition on rent, lease or sub-license to a third party unless a related body corporate with an Australian presence.

We support the implementation of this recommendation as it provides legitimacy in view of the revised eligibility criteria.

Bring .au into line with all other TLDs, and allow a registrant to renew at the time of their choosing.

We support the implementation of this recommendation as it gives control, consistency and uniformity to the industry.

Revision to the “Escalation process for complaints”

We support the implementation of this recommendation and further encourage auDA to clearly document and articulate the process.

auDA Direct Registration

That Direct Registration be implemented as soon as practical in accordance with the implementation policy set out in Annexure E to this paper (of the Policy Review Panel).

We support the implementation of this recommendation.

We believe this initiative is an important milestone in the evolution of the Australian domain space. It follows similar moves from .jp, .nz and .uk in allowing registrations at the second level and has many potential benefits as highlighted in the Policy Review Panels paper.

That domain names directly registered under .au will have no eligibility or allocation criteria, other than an Australian presence requirement.

We support the implementation of this recommendation as it removes significant roadblocks stopping Australians from engaging with the Australian domain space. Previous eligibility requirements have led to exit from the process but more importantly to engagement with other, non-Australian domain spaces.

We further recommend that the same eligibility policies apply to the .com.au and .net.au domain name spaces. This will drive consistency and reduce confusion and further restriction. If the initiatives of Direct Registration consist of Desirability, Competitiveness and a stronger Australian connection, it stands to reason that continued restriction on these spaces is redundant.

Further to this, the majority of regular end users do not (and will not) understand the relation of .com.au and .net.au to commercial entities and organisations as it is not commonly applied within other domain spaces, particularly with .com and .net which are the internets most adopted TLDs.

That all auDA Policies (where applicable) apply to domain names directly registered under .au.

We support the implementation of this recommendation as it brings consistency and transparency which is to the benefit of most registrants within the Australian domain space.

That there be a widespread education and awareness campaign leading up to the release of direct registrations.

We support the implementation of this recommendation and the transparency and awareness it will bring.

Kind Regards

George Skarentzos | **Tech Division**

T: +61 2 8459 0079 | M: 0414 414 474 | E: george@techdivision.com.au

.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001
By email to: policies@auda.org.au

To Whom it May Concern,

Submission on Policy Review Panel (PRP) Reform of Existing Policies and Implementation Plan for Direct Registration

1. About Netfleet

Netfleet is an auDA accredited Registrar for domain names, with a focus on trading domain names in the net.au and com.au namespaces. This submission is based on customer feedback, industry knowledge and Netfleet's experience in providing domain name registration, renewal, management and trading services to Australian registrants.

2. Reform of Existing Policies (2017 Policy Review Panel Final Report and Recommendations auDA Management Response; Board Presentation - 15 April 2019; and Proposed Licensing Rules)

Netfleet agrees with and supports the auDA Management Response to the 2017 Policy Review Panel Final Report (*auDA Management Response*) located at <https://www.auda.org.au/assets/Uploads/Management-Report-PRP-Recommendations-Final.pdf>

In addition to the comments made by auDA in its response, we add the below additional comments.

(a) Reform of Existing Policies on Monetisation (PRP Recommendation 9)

Consistent with the auDA Management Response, Netfleet agrees with and supports the current policy of domain name monetisation as being a basis for satisfying the allocation criteria in the com.au and net.au namespaces.

Further, Netfleet agrees with and supports the auDA Management Response to expand allocation criteria to include registration for the purpose of pay-per-click or affiliate web advertising/ lead generation, or electronic information services including email, file transfer protocol, cloud storage or managing Internet of Things (IoT) devices.

(b) Reform of Existing Policies on Resale (PRP Recommendations 5 and 6)

Consistent with the auDA Management Response, Netfleet agrees with and supports removal of the prohibition on registration of domain names in commercial namespaces (com.au, net.au and .au) for the sole purpose of resale or transfer to another entity.

(c) Reform of Existing Policies on Warehousing (PRP Recommendation 5 and 6)

Consistent with the auDA Management Response, Netfleet does not agree with nor support the introduction (or strengthening, to the extent that they already exist) of prohibitions on domain name "warehousing".

(d) Reform of Existing Policies on Misspelling (PRP Recommendations 16, 17, 18 & 19)

Consistent with the auDA Management Response, Netfleet does not agree with nor support retention of the Prohibition of Misspellings Policy (2008-09).

3. Implementation Plan for Direct Registration (Recommendations 22, 23; and Proposed .au Namespace Implementation Rules)

Netfleet agrees with and supports the auDA Management Response to the PRP's Recommendations 22 and 23 in relation to the implementation plan for direct registration.

Further, Netfleet agrees with and supports the draft .au Namespace Implementation Rules prepared by auDA at <https://www.auda.org.au/assets/Uploads/auDA-namespace-implementation-rules-15-April-2020.pdf>

4. Conclusion

We recognise the primary importance of auDA's role in management of the .au namespace.

We acknowledge that the consultative process around the proposed introduction of direct registration has been continuing in Australia for over 4 years. Furthermore, we acknowledge and applaud the extensiveness of auDA's most recent public consultation activities, including focus groups, targeted consultation and the current nation-wide public awareness campaign.

Australian Internet community stakeholders have all had an opportunity to participate in the consultation process. We believe the auDA Management Response to be fair and balanced and will further enhance the strength, stability and utility of the .au namespace.

We encourage auDA to implement the proposed policy reforms as expediently as possible.

Please address any queries in relation to the above to Nikki Scholes on 0415 481 949 or by email to nikki.scholes@netfleet.com.au

Yours sincerely


Nikki Scholes
Operations and Technology Manager
Netfleet

Blicka - Submissions To New auDA Policy Proposal - 2019_05_09

Three Point One Four Fingers <domains@threepointonefourfingers.com.au>

Thu 9/05/2019 10:27 AM

To: policies <policies@auda.org.au>;

 1 attachments (29 KB)

auda-submission-three-point-one-four-fingers.docx;

To Whom It May Concern,

Please find attached my submission to your proposed changes regarding the registration of domains within the .au space including the move towards the new direct .au domain scheme.

I provide this document as both a registrant of domain names and also a reseller of domain names.

Please find the time to read my own comments regarding your proposals.

I draw particular attention to my comments about the length of any sunrise period for direct registration at the section titled "*That Direct Registration be implemented as soon as practical in accordance with the implementation policy set out in Annexure E to this paper*"

Yours Sincerely,

Blicka

(02) 8403 9199

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.

<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

auDA Policy and Direct Registration Updates

auDA Policy Updates

Existing policies be simplified and consolidated into three policies

I support the implementation of this recommendation as it creates clarity, ease of use and reduces the potential for contradictory and conflicting policy application.

For all domain names registered in .com.au, .net.au, .org.au, .asn.au, .id.au and .au, the registrant must be a legal person with an Australian presence

I support the implementation of this recommendation as only needing to be a legal person rather than holding an ABN because it simplifies eligibility requirements and specifications, particularly in line with further recommendations below.

I have long held the belief that the registration of these domains, aside from .org.au and .asn.au, should not require an ABN because it discriminates against a) Those who are waiting to start a business and are currently without an ABN and b) Those who choose to register a domain name for personal use such as johndoe.com.au – for example to employ personalized email and/or create their own blog or personal family web site.

It is the case that I believe for the sake of public clarity that .org.au and .asn.au should have their registration mandated only to those who are a registered organization or association. This will prevent non-registered parties from masquerading on the Australian internet presence as being a group with some sort of standing as registered organizations and/or associations.

A consistent Australian presence test should apply to all domain names registered in .com.au, .net.au, .org.au, .asn.au, .id.au and .au

I support in principle implementation of this recommendation aside from the registration of .org.au and .asn.au support the as it provides consistency across the domain space.

It is the case that I believe for the sake of public clarity that .org.au and .asn.au should have their registration mandated only to those who are a registered organization or association. This will prevent non-registered parties from masquerading on the Australian internet presence as being a group with some sort of standing as registered organizations and/or associations.

The applicant or owner of an Australian trade mark application or registration can rely upon that application or registration to establish an Australian presence, but only in respect of a domain that is an exact match to the Australian trade mark application or registration.

Due to international trade I am unsure whether I support, or do not support, this proposition.

Perhaps if an entity from one country chooses to offer up a trademark which is legally registered in Australia then they should, despite being an overseas entity, be allowed to register a domain name(s) within the .au space in order to trade within Australia on an international basis. Ref: Free Trade.

The resale and warehousing prohibition rules should be retained and strengthened.

I partially support the implementation of this recommendation whereby application of this policy continues across .edu.au, .org.au, .asn.au .id.au and .vic.au.

I do not support the warehousing section of the application on .au, .com.au or .net.au spaces, in part, for the following reason.

Persons or businesses with an Australian presence may choose to register domains within the .au space well in advance in order to pave the way for a product or business for which they cannot yet yield a tangible outcome. In this digital age it almost a given that you must first have your on line branding protected before you move to development and marketing. This should not be deemed as warehousing.

However, I do support the application of the resale rule. I see no reason why a domain name should be licensed to a cyber-squatter or speculator simply so they can then offer that domain name to another business for an extravagant price.

It is for these various reasons that I maintain the resale and warehousing prohibition rules should be separated and laid out in two distinctly different manners.

Registrants should be prohibited from registering a domain name “primarily” for the purpose of resale or warehousing

I partially support the implementation of this recommendation.

As I stated in the previous section of this document, I believe the rules governing resale and warehousing should be separated into two distinct codes of conduct.

Persons or businesses with an Australian presence may choose to register domains within the .au space well in advance in order to pave the way for a product or business for which they cannot yet yield a tangible outcome. In this digital age it almost a given that you must first have your on line branding protected before you move to development and marketing. This should not be deemed as warehousing.

However, I do support the application of the resale rule. I see no reason why a domain name should be licensed to a cyber-squatter or speculator simply so they can then offer that domain name to another business for an extravagant price.

A list of factors indicating that a domain name has been registered primarily for resale or warehousing should be included in the new Registrant Policy, and if the majority of these factors are met, then the onus should shift to the registrant to demonstrate that the registrant did not register the domain name for purpose of resale or warehousing.

I do not support the implementation of this recommendation on the basis of the above.

The onus should be on the AUDA to pursue any proof required because the revocation or denial of a domain name may well constitute a restriction of trade or indeed a form of prejudice.

Placing onus solely on the registrant could also unfairly pit the resources of one individual against the strength of the AUDA as a larger body.

Also, if a potential registrant is denied registration under any rule of this nature, the domain name in questions should be placed on hold until such reasonable time has been given for the potential registrant to appeal the decision.

The “close and substantial connection” rule be retained and expanded to recognise online directories and informational services that specifically and predominantly relate to the subject matter of that domain name.

I am unsure how I feel about this part of the proposal. The system seems to have worked so far so I would assume its expansion to the new .au space would be satisfactory

However, I believe the registration(s) should be allowed in a very liberal manner with the auDA and any complainant required to prove that the registrant is not worthy of the domain once it is in the registrant’s possession.

Domain Monetisation should no longer be a basis to meet the allocation criteria to register a domain name in the .au domain space.

I’m not sure if support, or do not support this recommendation because the wording seems unclear.

As such, on the subject of monetization I will give my opinion and ask that you construe this correctly as either support or no support.

If a registrant simply warehouses a domain for their own purposes then so be it, however, as seen in the main TLD domain space of .com it can become outrageous where viable domains are held to ransom year after year on domain resale web sites where they are offered up for sale at sometimes thousands upon thousands of dollars, often simply as click bait..

Consequently, I believe registrants should be able to purchase domain names ready for future use, they can then let them expire should they wish, however they should never be allowed to trade them for extreme prices on some sort of open and/or closed platform.

A registrant should have a six months grace period from first registration to meet the close and substantial connection test.

I only partially support the implementation of this recommendation as I believe the registration(s) should be allowed in a very liberal manner with the auDA and any complainant required to prove that the registrant is not worthy of the domain once it is in the registrant's possession.

I definitely do not support grandfathering of new policies on previous registrations due the negative impact it could cause on legitimate registrants, businesses and end users.

Existing registrants should be allowed to retain their registrations until the end of the current registration period, but should only be able to renew their registrations if they meet the then current eligibility and allocation rules at the time of renewal.

I definitely do not support the implementation of this recommendation and I support only the grandfathering of existing registrations under any expansion of the 'close and substantial' rule.

Equally, I believe that failing to grandfather any existing registrations may leave AUDA exposed to major liability should they revoke existing domain names which hold commercial value to existing entities and where the revocation itself may be deemed as harmful to an existing business.

As a domain reseller I would expect any domain revocation not covered under grandfathering would leave my customers considering me as the liable party in any commercial damage claim.

A process be created to allow transferees of existing domain names to receive the benefit of the remainder of the licence period.

I believe this would offer a larger than necessary administrative cost to the existing and new registrars involved in the transfer.

Instead, outside of any resale restrictions, it should be allowed for the current registrant to be paid directly by the new registrant a nominal out of pocket fee for the remaining registration period should they feel the need to do so.

What should be governed more closely is the often high prices charged by registrars simply to enact the change of ownership itself.

In addition to auDA's ability to cancel a domain name licence in defined circumstances, auDA will have the power to suspend a domain name licence. The period of suspension should be limited

I partially support the current suggested implementation of this recommendation as it provides capability to cancel domain names that are being used for malicious or illegal activities.

However, except in suspected criminal, phishing or fraudulent use scenarios I believe the onus should be on the auDA to make good on any reasoning and negotiate fairly with the registrant

prior to suspension. I make this comment in relation to the proposed 'close and substantial' rule.

It would be unfair and prejudicial to simply suspend a domain because auDA take it upon them selves to suddenly decide that a registrant is breaching the 'close and substantial' rule. This could create a situation that brings harm and damage to a registrant's personal and/or commercial outcomes only to be proven later to be an incorrect decision by the auDA.

During the period of suspension, the registrant of a suspended domain name will have the ability to appeal the suspension under the new Complaints Policy

I support the implementation of this recommendation only if auDA initially give proper advance warning of the suspension as it allows a process by which registrants can contest an arguably subjective decision made by the regulator in advance of any suspensions..

The ability to cancel or suspend a domain name licence to "comply with a request of a law enforcement agency, or an order of a court or under any applicable law, government rule or requirement, or under any dispute resolution process" will be clarified as set out above.

I generally support the implementation of this recommendation in light of the above comments however I would expect that the auDA would equally respect the registrant's right to use the domain while any legal proceedings relevant to the registration are under appeal.

The Prohibited Misspelling List be retained

I partially support this recommendation.

I believe that commercial & corporate entities should be removed from this list only when using misspellings for their own protection whether they do or do not hold an ABN.

Added to this, I believe that these entities must prove the misspelling is simply to protect their own interests and not be a registration made to impinge on any competitor with a similar business name.

I do not recommend auDA consider the merging of the Prohibited Misspelling Policy with the Reserved List Policy (below).

The list remain publicly available on the auDA website. The following details will be disclosed on the published list: the blocked domain name, the date the domain name was blocked, the person or entity that lodged the complaint, and the rights the complainant relied on. The misspelling should be blocked in all relevant name spaces

I support the implementation of this recommendation for the sake of clarity and transparency to all stakeholders.

auDA will have the discretion to unblock the prohibited misspelling if the potential registrant can demonstrate that it has legitimate grounds for use of the domain name.

I support the implementation of this recommendation and that the process is made clear and transparent only if fair notification is sent to any other entity who may have previously attempted to have auDA unblock the same misspelling. This being so that the previous entity may have time to prepare an argument against why they were denied the unblocking while a new entity is now being permitted to unblock the misspelling.

A Reserved List will be retained and comprised of:

- **Words, phrases and acronyms prohibited by Australian law, including both Commonwealth and State law;**
- **Names and abbreviations of Australian states and territories and the name "Australia";**
- **Names that threaten the integrity and stability of the .au name space; and**
- **Names for use as future 2LDs, with registrations at the third level.**

I support the implementation of this recommendation due to the necessary protections it affords.

I do not recommend auDA consider merging the Reserved List Policy with the Prohibited Misspelling Policy.

The Reserved List will be published in its entirety on the auDA website (except for names that cannot be published for security reasons)

I partially support the implementation of this recommendation. For the sake of transparency to potential registrants, we seek maximum visibility of this list through publication.

The complication however comes similarly to the above, through security concerns, of potential domain names that could be confused for those used for high security matters within Australia. Publication of such domains could expose legitimate domains to become targeted.

For .au, you won't be able to register names that are deceptively similar to existing second level domains. For example:

- **.co.au (similar to .com.au)**
- **Mygov.au (similar to my.gov.au)**

I support the implementation of this recommendation as noted above within the Reserved List Policy. I also support any other reasonable policy that will prevent domain names being used for nefarious activities.

Allow names related to major written language groups in Australia and major trading partners:

- **Chinese (Simplified)**
- **Korean**
- **Japanese**
- **Arabic**
- **Vietnamese**

I do not support the implementation of this recommendation. The very fact that Australia is seen as an English language nation should imply that all domain names within the .au space should contain only English language characters.

Whilst I applaud multi-culturalism I strongly disagree with allowing non-English characters within the .au name space.

In day to day life it is vitally important that all members of a community are able to speak at least one common language. This commonality promotes the success of multi-culturalism and prevents the fear and segregation that comes from social enclaves.

Equally, I believe the .au namespace should uphold the same values by remaining English based..

Prohibition on rent, lease or sub-license to a third party unless a related body corporate with an Australian presence.

I support the implementation of this recommendation as it provides legitimacy in view of the revised eligibility criteria.

Bring .au into line with all other TLDs, and allow a registrant to renew at the time of their choosing.

I support the implementation of this recommendation as it gives control, consistency and uniformity to the industry.

Revision to the “Escalation process for complaints”

I support the implementation of this recommendation and further encourage auDA to clearly document and articulate the process.

auDA Direct Registration

That Direct Registration be implemented as soon as practical in accordance with the implementation policy set out in Annexure E to this paper (of the Policy Review Panel).

I support the implementation of this recommendation.

I believe this initiative is an important milestone in the evolution of the Australian domain space. It follows similar moves from .jp, .nz and .uk in allowing registrations at the second level and has many potential benefits as highlighted in the Policy Review Panels paper.

However, I believe there should be a sunrise period of at least 13 months, if not 25 months, for those with existing .au 2tld domain registrations to be given priority in registering the equivalent direct .au name space domain name. This being due to renewals notices usually being sent on an annual basis, and most often in the past being sent on a biennial basis.

That domain names directly registered under .au will have no eligibility or allocation criteria, other than an Australian presence requirement.

I support the implementation of this recommendation as it removes significant roadblocks stopping Australians, especially individuals, from engaging with the Australian domain space. .

That all auDA Policies (where applicable) apply to domain names directly registered under .au.

I mostly support the implementation of this recommendation as it is worded because it brings consistency and transparency that is to the benefit of the majority of registrants within the Australian domain space.

However, as mentioned much earlier in my submission, I believe for the sake of public clarity that .org.au and .asn.au should have their registration mandated only to those who are a registered organization or association. This will prevent non-registered parties from masquerading on the Australian internet presence as being a group with some sort of standing.

That there be a widespread education and awareness campaign leading up to the release of direct registrations.

I support the implementation of this recommendation and the transparency and awareness it will bring.

Thu 9/05/2019

Policy Review Panel
c/o .au Domain Administration Ltd
PO Box 18315
MELBOURNE VIC 3001

Via email: policy.review@auda.org.au

Dear Sir/Madam,

RE: Feedback regarding Reform of Existing Policies & Implementation of Direct Registration

I submit this document in response to the above noted document dated 25 March 2019. In particular, I would like to register my strong opposition to the concept of direct registration within the .au name space. Further feedback is detailed below.

Thank-you for the opportunity to submit my thoughts on this matter.

Regards,
Phillip Smith

5.1.1 Eligibility and Allocation - the Australian presence requirement

I support the requirement for registrants to have a direct Australian connection; however I do NOT support the requirement for a domain to be an "exact" match to a trademark. It is not uncommon for a long identifier to be shortened to improve usability, or for alternative spellings to avoid confusion. For example:

1. "Alice and Bob's Fresh Food" might be shortened to "abff" (eg, *abff.com.au*) to reduce typing, and reduce opportunities for misspelling when typing the domain.
2. "Mount Blue Consulting" should be able to register both (for example) *mountblueconsulting.com.au* and *mtblueconsulting.com.au*. The shortening of "Mount" to "Mt" is perfectly valid and reasonable, but difficult to communicate verbally (eg, in audible advertising or on the phone) if they are only eligible to register a single variant (ie, an "exact" match to their trademark).

This may be covered by the "close and substantial connection" rule, however it is not clear if that rule applies to registrants making registration as a foreign entity with an Australian trademark when this rule requires an "exact" match.

5.1.2 Resale and warehousing

I support stronger controls to prevent these activities.

5.1.3 Eligibility and Allocation – “Close and Substantial Connection” Rule

I support the retention of this rule.

5.1.4 Eligibility and allocation – Grandfathering considerations

I support the recommendation that Existing registrants should be allowed to retain their registrations until the end of the current registration period, but should only be able to renew their registrations if they meet the then current eligibility and allocation rules at the time of renewal.

5.1.5 Licence conditions – licence transfer

I support the recommendation of transferee receiving the benefit of the remainder of the license period.

5.1.6 Licence conditions – licence suspension and cancellation

I support the recommendations around the suspension functionality and processes.

5.1.7 Prohibition on Misspellings

I support the recommendations to expand this to a permanent block list across the .au space.

5.1.8 Reserved names

I support the majority of this recommendation, except for the inclusion of State legislation. For example, instead of having “*grand prix*”, “*formula one*” etc on the reserved list, the Grand Prix corporation should accept the burden of reactively defending their protected terms instead of auDA accepting the burden of policing the interests of private third-parties.

5.2 Implementation of Direct Registration

I am strongly opposed to this recommendation. The introduction of direct registration reeks of a “money grabbing” exercise and would be an extremely poor choice to follow through with.

Proposed “benefits” listed in the report include the following:

- *Choice*: There is no need for additional choice in the .au name space by allowing direct registration. Direct registration would instead create confusion (eg, a consumer being unable to remember if a particular website is *foobar.com.au* or *foobar.au*). The retention of all .au registrations within 2LD (eg, .com.au, .net.au) ensure consistency in the space.
- *Fewer restrictions*: This ‘benefit’ baffles me as to its inclusion given the other rules governing protection of the .au space from abuse. Allowing unrestricted use of .au TLD instead dilutes its value, and almost certainly will lead to abuse.
- *Desirability*: This is probably the most reasonable benefit documented in the recommendation; however I do not believe this outweighs any of the disadvantages.
- *Trustworthy*: We already have trust in the .au namespace without the need for direct registration.
- *Value to existing 2LDs*: Allowing abuse of the .au space through direct registration will devalue our 2LDs, not add value to them.

As of 9th May 2019, there are already 1,531 TLDs in the root zone. This already represents an unmanageable list of domains that need to be considered in regard to brand protection. As an experienced worker in the ICT industry, it represents an unmanageable risk of security threats – despite the best efforts of registrars et al, malicious registrants are bound to occur.

Dilution of .au value will certainly be introduced by “Web 2.0” usage of the .au space to register “cute” domain names with no direct relationship to Australia. For example, the following domains would be highly valuable, despite not necessarily having any clear relevance to the .au space:

- cointre.au
- plate.au
- bure.au
- gate.au

Further examples include many French words ending in “au” that could be very desirable to French registrants. The protections recommended elsewhere in this document would allow any foreign entity to register these domains with nothing except a trademark registration.

Allowing direct registration to the .au name space solves no existing problems, creates additional problems of its own, and is an idea that should be abandoned immediately.



Government
of South Australia

Hon David Ridgway MLC

19TTINP/00112

Mr Cameron Boardman
Chief Executive Officer
auDA Domain Administration
Email: alister.paterson@auda.org.au

Dear Mr Boardman

On behalf of the Hon David Ridgway MLC, Minister for Trade, Tourism and Investment, thank you for your letter received 2 May 2019 regarding Important policy changes to the Australian domain name system.

While the Minister appreciates receiving your correspondence, the matters you raise fall within the portfolio responsibility of the Premier, Hon Steven Marshall MP. Your correspondence has been forwarded to the Premier for his consideration.

Should you have any further queries in relation to your correspondence, please contact the office of the Premier on telephone 08 8363 9111 or via email premier@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Baggood', written in a cursive style.

Office Manager to the
Minister for Trade, Tourism and Investment

9/5/2019

new proposed .au Domain Names Rules

Kevin Brown <graphity@adelaide.on.net>

Thu 9/05/2019 5:32 PM

To: policies <policies@auda.org.au>;

Hello

I'm a bit confused about how the new direct .au idomain names are going to be rolled out.

In order to secure my current domains (.com.au and ,net.au) in the Australian marketspace, I am going to be "forced" to purchase six .au domains.

It is not clear to me how or when these names that I will need to purchase will become available or what they will cost.

Are you able to enlighten me as to whether, under the proposed new auDA rules if I currently hold the domain <example.com.au> and/or <example.net.au> will I have priority access to purchasing <example.au> before it becomes available to others????

Any help would be appreciated.

Regards

Kevin Brown
Graphity!

Kevin Brown's G R A P H I T Y !
DIGITAL TYPE SPECIALIST * GRAPHIC DESIGN
180 Marian Road, Glynde S.A. 5070 AUSTRALIA
Phone/Fax: +61 (0)8 8365 6544
A.B.N. 23 260 697 910
DUNS 743862206
Email: graphity@adelaide.on.net
Est.1979

Member:
The Unicode Consortium
Australian Graphic Design Association

www.australianschoolfonts.com.au



.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001

Via email to policies@auda.org.au

These comments are provided on behalf of GoDaddy.com LLC, an accredited registrar for .AU domain names.

Regarding the reform of existing policies and the implementation of direct AU registrations, GoDaddy agrees with and supports the auDA Management Response to the Policy Review Panel Final Report (auDA Management Response) located on the its website.

We support the comments and response by auDA Management in consideration of the reform of these existing policies. auDA's approach promotes a vibrant and active namespace that is competitive and will set the stage for innovation and growth in Australia.

GoDaddy supports the auDA Management Response in relation to the implementation plan for direct registration and are prepared to work with auDA, the registrar community, and registrants to ensure a fair and balanced approach to a plan that provides value to the name space.

We appreciate auDA's choices on time line and implementation on the rights protection and allocation mechanisms which are based on industry best practice and experience with other ccTLD plans for direct registration. We are prepared to work with auDA on raising awareness and visibility of the plan.

Sincerely,

Tommy Ho
GoDaddy.com, LLC

6 - 8 East Concourse
Beaumaris, VIC 3193, Australia
Phone: +61-3-9589-7946
Fax: +61-3-9589-7951

.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001

By email to: policies@auda.org.au

Dear Sirs/Madams,

RE: Submissions on Policy Review Panel (PRP) Reform of Existing Policies and Implementation Plan for Direct Registration

1. About Drop.com.au Pty Ltd

Drop.com.au Pty Ltd is part of the Trellian Group of companies and an auDA accredited Registrar for domain names, including in the com.au and net.au namespace. These submissions are based on (amongst other things) Drop.com.au Pty Ltd's experience in providing domain name registration, renewal and management services to Australian domain investors.

2. Reform of Existing Policies (2017 Policy Review Panel Final Report and Recommendations auDA Management Response; Board Presentation - 15 April 2019; and Proposed Licensing Rules)

Drop.com.au Pty Ltd agrees with and supports the auDA Management Response to the 2017 Policy Review Panel Final Report (auDA Management Response) located at <https://www.auda.org.au/public-comment/>

In addition to the comments made by auDA in its response, we add the below additional comments;

a) Reform of Existing Policies on Monetisation (PRP Recommendation 9)

Consistent with the auDA Management Response, Drop.com.au Pty Ltd agrees with and supports the current policy of domain name monetisation as being a basis for satisfying the allocation criteria in the com.au and net.au namespaces.

Further, Drop.com.au Pty Ltd agrees with and supports the auDA Management Response to expand allocation criteria to include registration for the purpose of pay-per-click or affiliate web advertising/ lead generation, or electronic information services including email, file transfer protocol, cloud storage or managing Internet of Things (IoT) devices.

The simplification of this policy and the removal of the need for auDA to audit the content of websites is a welcome change. It should free up resources at both our registrars and auDA to focus on more productive outcomes.

b) Reform of Existing Policies on Resale (PRP Recommendations 5 and 6)

Consistent with the auDA Management Response, Drop.com.au Pty Ltd agrees with and supports removal of the prohibition on registration of domain names in commercial namespaces (com.au, net.au and .au) for the sole purpose of resale or transfer to another entity.

An aftermarket is considered to be a sign of maturity in a name space, so auDA continuing with the trend of removing restrictions on resale is very exciting. It will also allow Domain Investors to participate and even help promote the future growth of the namespace.

c) Reform of Existing Policies on Warehousing (PRP Recommendation 5 and 6)

Consistent with the auDA Management Response, Drop.com.au Pty Ltd does not agree with nor support the introduction (or strengthening, to the extent that they already exist) of prohibitions on domain name "warehousing".

d) Reform of Existing Policies on Misspelling (PRP Recommendations 16, 17, 18 & 19)

Consistent with the auDA Management Response, Drop.com.au Pty Ltd does not agree with nor support retention of the Prohibition of Misspellings Policy (2008-09).

3. Implementation Plan for Direct Registration (Recommendations 22, 23; and Proposed .au Namespace Implementation Rules)

Drop.com.au Pty Ltd agrees with and supports the auDA Management Response to the PRP's Recommendations 22 and 23 in relation to the implementation plan for direct registration.

Further, Drop.com.au Pty Ltd agrees with and supports the draft .au Namespace Implementation Rules prepared by auDA at

<https://www.auda.org.au/assets/Uploads/auDA-namespace-implementation-rules-15-April-2020.pdf>

6 - 8 East Concourse
Beaumaris, VIC 3193, Australia
Phone: +61-3-9589-7946
Fax: +61-3-9589-7951

4. Conclusion

We recognise the primary importance of auDA's role in the management of the .au namespace. We acknowledge that the consultative process around the proposed introduction of direct registration has been continuing in Australia for over 4 years. Furthermore, we acknowledge and applaud the extensiveness of auDA's most recent public consultation activities, including focus groups, targeted consultation and the current nation-wide public awareness campaign.

Australian Internet community stakeholders have all had an opportunity to participate in the consultation process. We believe the auDA Management Response to be fair and balanced and will further enhance the strength, stability and utility of the .au namespace.

We encourage auDA to implement the proposed policy reforms as expediently as possible.

Please address any queries in relation to the above to David Warmuz by email to support@drop.com.au

Yours sincerely

David Warmuz
Trellian Pty Limited



Friday, 10 May 2019

.au Domain Administration Limited
PO Box 18315
Melbourne VIC 3001

Delivery via email to: policies@auda.org.au

RE: Submissions on Policy Review Panel (PRP) Reform of Existing Policies and Implementation Plan for Direct Registration

To Whom It May Concern,

VentralIP Australia is Australia's largest privately owned web hosting provider and domain name registrar. It forms part of the group that encompasses additional auDA accredited registrars Synergy Wholesale and Zuver.

Across the group we support over 200,000 Australian clients - comprised of small and medium enterprises - by providing industry leading high quality products and services backed by our 100% Australian technical support team.

Over the past 10 years of operation, we have been named the only domain name registrar to be listed in the BRW Fast 100, the SmartCompany Smart50, and the CRN Fast50 lists on multiple occasions. Our submission is based on our experience and commitment to the .au domain name ecosystem and the greater Australian digital economy as a whole.

We have been a strong supporter in the reform being undertaken by auDA, and we welcome their comments made in response to the recommendations proposed by the 2017 Policy Review Panel. Whilst we generally agree with most of the recommendations set to be adopted by auDA, we would like to provide further comment on some specific elements of this as we understand that the .au ccTLD plans a vital part in our economy and is quite often understated.

Recommendation 1: Existing policies be simplified and consolidated into three policies

Upon review of the proposed Licensing Rules we support this recommendation. With that being said, we are awaiting a copy of the Registrar Rules for review and will provide feedback accordingly.

Recommendation 2 & 3: Registrant must be a legal person with an Australian presence

We support this recommendation on the basis that the registrant themselves are responsible for ensuring their eligibility as per the request of an "Australian Presence". Additionally, we await further confirmation on the definition of "Australian Presence". Our support is on the basis that registrants are responsible for ensuring their eligibility per the "Australian Presence" requirement.

Under the proposed Licensing Rules it appears that the "close and substantial" rule has been removed for com.au and net.au registrations and have instead been replaced with a more defined list of allowed terms¹.

¹ .au Domain Administration Licensing Rules clause 2.4.4(2)

Whilst we agree with the principle of what is trying to be achieved there is concern that certain domain name licence use cases would not be permitted where there was previously a close and substantial match and not specifically an exact match or acronym as the proposed Licencing Rules state. We believe that further clarification may be required by auDA to prevent confusion amongst registrants and industry alike.

Recommendation 4: Trademark registrations must be an exact match

The requirement for trademark owners to have an exact match to their registered or pending Australian trademark is a welcomed change, and wholeheartedly supported by us. We believe this will correct the loophole present in the current eligibility requirements for Australian Trademark use in relation to com.au and net.au domain names.

Recommendation 5, 6 & 7: Resale and warehousing rules

We support auDA's response to these recommendations. Additionally, we understand the concerns raised by auDA Management into the constraints around the operational implementation of this.

Recommendation 8, 9 & 10: Close and substantial connection rule

We support auDA's response to these recommendations and welcome the expansion of allowable connections to include electronic storage and IoT devices. As a registrar operating in multiple channels, we already see this behaviour in both the com.au and net.au ccTLD as well as other TLDs. With this said, however, the phrasing of "an exact match or synonym of the name of..."² "an electronic information service... or cloud storage that the Person provides"³ seems counter-intuitive as the particular service may not be an exact match or synonym.

For example, Cloud Service Provider Pty Ltd may operate their primary cloud storage service from clouddata.com.au whereas serve backend content may an alternate domain name such as csonlinefiles.com.au (with Cloud Service Provider Pty Ltd being the registrant). Cloud Service Provider Pty Ltd may operationally choose to do this to uphold a high technical reputation of their primary domain name whilst they have no control over user uploaded content that could negatively affect this reputation.

We believe that auDA should provide further clarification or context around specific use cases whilst we do understand that not every permissible use case should be referenced in the proposed Licensing Rules. Instead we recommend a less rigid or additional miscellaneous clause (similar to "close and substantial") should be added to the proposed Licensing Rules.

Recommendation 11: Grandfathering

We do not support this recommendation. We believe that maintaining two policies concurrently will cause confusion to registrants and industry alike. Additionally, we believe the registrant should be responsible for ensuring their continued eligibility when renewing their domain name licence.

Recommendation 12: Registrant transfer transferee benefit for remaining licence period

Our support for this recommendation is two-fold. We do believe that, as is the case with other TLDs, the domain name transferee should receive the benefit of any remaining license period. We believe that the recommendation proposed by auDA is not sufficient, overly complex and does not fully address the PRP recommendation. The operational and administrative costs placed on a credit being provided would outweigh the credit value itself.

² .au Domain Administration Licensing Rules clause 2.4.4(2)(e)

³ .au Domain Administration Licensing Rules clause 2.4.4(2)(e)(ix)

As a remedy, rather than providing a monetary credit to the registrar (who subsequently will burden the administrative costs associated in passing this onto the domain name transferee), we believe that any remaining licence period time should be added onto the end of the new licence agreement post registrant transfer. We understand that this should be capped to a maximum 5 years and any additional licence period above and beyond this time in total should simply be forfeited.

Having the remaining licence period appended to the end of the new licence period would be something performed at a registry-level meaning the consumer experience would be consistent despite the registrar of choice.

Recommendation 13 & 14: auDA suspension of domain name resolution and appeals

The specific recommendation proposed by the Policy Review Panel is welcomed, and we agree with the implementation manner proposed by auDA. Notwithstanding a specific request from law enforcement to the contrary, we do believe that auDA should clearly communicate actions taken with the registrar of record.

This should be done to ensure that the registrar is versed and prepared to handle inbound enquiries by the registrant directly, and ensure that any records maintained by the registrar are correct. From a technical standpoint this notification should be, or at least be supplemented by, an Extensible Provisioning Protocol (EPP) poll notification sent by the registry that includes information on the reason why the name is being suspended by auDA. Additionally we highlight that communication with the registrant (in reference to remedy actions where applicable) should be handled by the registrar directly unless there is a time critical or other operational nature where auDA should make contact directly (and subsequently ensure the registrar is kept up-to-date).

Furthermore, we request auDA open a consultation period for a process and policy to be defined pertaining to the compliance requirements when law enforcement bodies contact the registrar directly - taking into account that law enforcement bodies should be educated as to the structure of the industry and the roles of the respective parties. This will ensure that the process is the unified across each and every registrar.

Recommendation 15: Suspension of domain name resolution for law enforcement

We agree with the comments made by auDA Management on this specific Policy Review Panel recommendation. Additionally, we agree that the auDA CEO should retain the discretion as to whether an enforcement request is approved based on advice sought from auDA Management and/or legal representation.

Recommendations 16, 17, 18 & 19: Misspelling policy

As a registrar that was often quite confused and perplexed with the *Prohibition of Misspellings Policy (2008-09)* we are pleased to see that auDA Management have determined to not implement the recommendations made the PRP, and additionally acknowledge that other mechanisms exist to deal with complaints and defensive registrations. Additionally, we would like to see investment by both the registry, and auDA, in more robust abuse monitoring methods to address the problem.

Recommendation 20: Maintaining the Reserved List

We support auDA's comments on the implementation of this recommendation.

Recommendation 21: Publication of the Reserved List

We support auDA's comments on the implementation of this recommendation. With that said, however, we do believe there should be a level of transparency for a registrar to determine why a

specific name is on a reserved list and there should be a process for requesting removal (where possible).

Recommendation 22, 23, 24 & 25: Direct Registration

We support the implementation plan proposed by auDA in reference to direct registration, and look forward to being consulted in the education campaign for consumers. Appropriate marketing, education and training for consumers is a necessity. We are strong believers in having a domain name that truly represents Australia - and gives every Australian a place in the digital economy. We support the proposed eligibility requirements for .au domain registrations and believe that existing eligibility requirements should remain in place for com.au and net.au registrations.

The process being proposed by auDA management for existing registration rights to direct registration is fair and balanced. The single caveat to this is that we do believe that if all existing contested holders relinquish their rights (for example, to a single registrant) during the Priority Application Period, the direct registration should be able to be used immediately and not need to wait for the entire 6 month process out. We assume this would be given, however, there is no mention of whether this behaviour would be possible in the auDA Management proposal.

In response to the *cost considerations* on the Board presentation from 15 April 2019⁴ we make the following comments:

1. We are not opposed to an annual application fee being payable in order to maintain the reservation but ultimately this support is on the condition that the proposed costings are reasonable, and the process of advising the applicable parties that their reservation would be set to lapse and needs to be renewed is well thought out and taken into consideration. We do believe, however, that adopting this model would cause additional administrative overheads to auDA and could place undue liability on auDA in terms of ensuring that parties that have a reservation are adequately advised of their requirements to 'keep their reservation current'. This would be something for auDA to consider, however, generally we are supportive of an annual fee being payable to maintain a reservation right.
2. We do not believe there should a refundable amount, however, ultimately this depends on the initial cost for maintaining the reservation, and the length of time that a name remains contested. We strongly believe that brands or businesses that have an active reservation on a contested .au domain name should be required to maintain that reservation in the interest of protecting their business identity (should they choose to do this). Most importantly we encourage auDA to communicate this message drawing attention to the fact that it is certainly not a requirement should they wish to relinquish their rights. We are empathetic on the optics of how this may appear to external parties, however, we do believe there are operational costs associated with running this process.

We draw attention to the need for the process, including eligibility and rights claim, to be clearly communicated to the general public and encourage auDA engage with registrars in constructing this messaging. As we have stated, we are in support of a transparent and consistent campaign and understand that the majority of existing registrants will require both strong and clear messaging around the policies and processes surrounding direct registration, their eligibility rights and the priority application period.

⁴ "Board Presentation - 15 April 2019" posted on <https://www.auda.org.au/public-comment/>

Feedback on proposed Complaints Process

Fundamentally, we agree with the approach being proposed by auDA Management. That is, we do agree that the registrar should be the initial contact for a complaint, however, this may not represent the best interests for the industry.

Having auDA act as an independent body handling the initial complaint creates an environment where the experience is consistent across the namespace (independent of the registrar of record). Relying on individual registrars to address complaints will create frustration and confusion to consumers.

Additionally, there are substantial operational costs that will be required to be absorbed by the registrar which should certainly be considered. Irrespective, this process is something that requires consultation with the registrar community should auDA proceed with the recommendation.

Conclusion

We are largely in support of the comments made by auDA Management on the recommendations made by the 2017 Policy Review Panel and we commend both auDA and the Policy Review Panel for their continued work and dedication.

The process undertaken by the Policy Review Panel was one of public consultations and we continue to be supportive of this process. To operate effectively, auDA is required to be engaged with all stakeholders - including the registrar community - and we are thankful for auDA's approach in obtaining engagement, feedback and consultation. This approach is something that should be continued and we welcome further opportunities to provide consult and advice, based on our experience and continued investment in the industry.

The recommendations and policy reforms proposed by auDA should be implemented in a timely manner to enable the industry to continue with its forward momentum and onward success.

Please address any queries in relation to our submission to Angelo Giuffrida, Director & Chief Executive of auDA accredited registrar VentrailP Australia, Synergy Wholesale and Zuver; via telephone on +61 3 9013 8462 or alternatively by email to agiuffrida@staff.ventraip.com.

Yours truly,



Angelo Giuffrida
Director & Chief Executive

preliminary submission

Sean Fogarty <seanfogarty88@gmail.com>

Fri 10/05/2019 2:03 PM

To: policies <policies@auda.org.au>;

Cc: Bullock, Richard <richard.bullock@communications.gov.au>; Bruce Tonkin <bruce.tonkin@auda.org.au>;

📎 1 attachments (2 MB)

auDA CEO Statement - proposed additional competing .au Direct Registration Consultation dates.pdf;

au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001
By email to: policies@auda.org.au

RE: auDA Management Response to Policy Review Panel Final Report and Implementation Plan for Direct Registration
auDA Management Response to Policy Review Panel Final Report

Dear auDA,

I submit a preliminary submission due to the finalisation of some legal advice on the papers and proposals which are still pending due to the complexity of the issues and papers.

I request a further submission may be reviewed and considered when I lodge it before 5pm Monday 13th May 2019 which I believe will be useful to auDA and the Board. It will contain far more detail to assist. I have 22 years international domain name experience including trademarks and other overseas domain name extensions registrations in New Zealand, Singapore, Hong Kong, .com, Philippines etc. I know how those systems, namespaces and policies work and in some cases do not work.

In general I submit:

1. There is significant risk to the .au namespace, consumers and Australian Critical Infrastructure if auDA brings in other characters. It must not be done.

auDA should not do this and the bulk of all PRP consultation meeting feedback, transcript, notes, submissions was against it.

Also note:

- <https://www.afr.com/technology/web/security/more-than-1000-australian-websites-taken-down-following-chinaled-criminal-plot-20161007-grxa2o>
- <https://www.smh.com.au/technology/australian-it-link-in-chinese-hack-of-jet-companies-20181031-p50d6z.html>
- <https://cybersolace.co.uk/risks-of-internationalised-domain-name-idn/>
- <https://www.networkworld.com/article/3191535/phishing-attacks-using-internationalized-domains-are-hard-to-block.html>
- <https://www.techrepublic.com/article/internationalized-domain-names-create-phishing-risks-heres-a-solution/>

2. The business case and risk case against introducing a new competing direct .au domain name into the .au existing ecosystem is too great based on the models and reports auDA has provided which lack a lot of more detailed required evidence and facts.

- <https://domainer.com.au/justifying-the-end-result/>

auDA should not introduce another competing .au domain name extension and must consider more time to properly inform existing .au registrants of the issues and contact them to let them know what has been planned which will affect them. 99% of existing registrants have no clue this is even being proposed because auDA failed to contact them directly over the years to invite them to be part of the consultation process.

3. auDA must not implement a 2 tier eligibility rights model into the .au namespace ecosystem.

This is unfair on exiting .au domain name registrant consumers.

I believe auDA will be at significant legal risk if this proceeds and I am seeking advice specifically on this issue with a view to being part of a larger action if required. It was not properly discussed at any time during consultation or at the auDA PRP Public meetings.

Some people such as myself bought names from auDA at the auDA auction and auDA has made numerous claims over the years about peoples rights including previously referring to domain name registrants as "**Owners**" even on the auDA website and in materials I have documented. In fact most auDA Accredited Registrars still refer to .au domain name registrant consumers as "Owners" on their advertising and materials. auDA was made aware of this formally in writing numerous times before and at auDA PRP public meetings and previous submission materials.

This 2 tier rights model has not worked in Singapore and Hong Kong. In fact Singapore has resorted to free .sg names promotions for years and still have a free .sg promotion for all Singapore businesses to try and save the namespace.

Singapore does not allow resale of their domain names but they advised me yes there are ways to do it they turn a blind to which seems crazy and poor policy!

- <https://www.vodien.com/sg-free-domains>

4. The New Zealand model [.co.nz](https://www.co.nz) v [.nz](https://www.nz) failed but note there was No conflicts / admin fees and they offer a FREE mediation service.

"On Wed, 1 May 2019, 6:34 AM Dylan Connolly, <info@dnc.org.nz> wrote:

Dylan Connolly commented:

Good Morning Sean,

Thanks for your email.

I can confirm that we are still offering a free facilitation service for parties that are part of the conflict set for a conflicted domain name.

We have some limited information available at: <https://dnc.org.nz/cnp>, however we do not go into any great detail about how the service works, as this is up to the Conflict Resolution Facilitator (CRF).

For any questions we get from parties involved in the conflict set regarding the registration of the conflicted domain name, we make a referral to the CRF. The CRF then tries to reach a resolution between the parties regarding the registration (this could be that it remains conflicted)

In terms of how many parties took place, this is something that has been offered to all parties with conflicted names, and we are currently making our way through some of the bigger conflict sets actively trying to resolve these.

I hope that this answers your questions.

Kind regards

Dylan Connolly

Domain Name Commission Limited | Level 11, 80 Boulcott Street Wellington
PO Box 11-881, Wellington 6142 | tel 0800 101 151 |

dnc.org.nz | info@dnc.org.nz

This is shared with seanfogarty88@gmail.com.

DNC Help Center, powered by Jira Service Desk, sent you this message."

5. The auDA CEO is on record saying auDA would not even consider final decisions on direct registration until the second half of 2019 at the earliest.

The auDA CEO by his own statements and auDA Minutes has mislead media, public, stakeholders, auDA Members and the Commonwealth.

<http://theluckygeneral.biz/2018/06/01/facts-and-fiction-more-on-the-auda-situation/01/06/2018>

"4. The direct registration issue is apparently causing friction among some members. What do you say to claims that multitudes of registrants wouldn't even know it is on the horizon?" Laurie Patton question to auDA CEO Cameron Boardman

*"BOARDMAN: Quite properly, issues around direct registration are being considered by the independent Policy Review Panel. The decision to introduce direct registration was actually made by a previous board, prior to my appointment. However, **the new board has decided to postpone any final decision until the second half of next year at the earliest.**"*

01/06/2018 auDA CEO Cameron Boardman

Also note the attached auDA Minutes and auDA CEO statement *"The auDA Board will not decide if they will proceed with direct registrations until the second half of 2019 at the earliest"*.

Yours Sincerely,

Sean Fogarty

--

This email and any attachments are confidential and for the intended recipient only. They may contain legally privileged information or copyright material. You should not read, copy, use or disclose them without written authorisation.

If you are not an intended recipient, please contact us at once by return email and then delete both messages completely.

We do not accept liability in connection with computer virus, data corruption, delay, interruption, unauthorised access or unauthorised amendment.

Please consider helping to improve our global environment by reducing printing.

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.

<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

9 May 2019

.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001

Dear Sirs

Submissions on Policy Review Panel (PRP) Reform of Existing Policies and Implementation Plan for Direct Registration

1. About ARQ Group Limited

ARQ Group Limited is the parent company of registrars Melbourne IT, Netregistry, TPP Wholesale, TPP Domains, PlanetDomain, Uber Global and Uber Australia. These registrars are auDA accredited Registrars for domain names, including in the com.au namespace. These submissions are based on (amongst other things) ARQ Group's experience in providing domain name registration, renewal and management services to Australian registrants.

2. Reform of Existing Policies (2017 Policy Review Panel Final Report and Recommendations auDA Management Response; Board Presentation - 15 April 2019; and Proposed Licensing Rules)

ARQ Group Limited agrees with and supports the auDA Management Response to the 2017 Policy Review Panel Final Report (*auDA Management Response*) located at <https://www.auda.org.au/assets/Uploads/Management-Report-PRP-Recommendations-Final.pdf>


In addition to the comments made by auDA in its response, we add the below additional comments.

(a) Reform of Existing Policies on Monetisation (PRP Recommendation 9)

Consistent with the auDA Management Response, ARQ Group Limited agrees with and supports the current policy of domain name monetisation as being a basis for satisfying the allocation criteria in the com.au and net.au namespaces.

Further, ARQ Group Limited agrees with and supports the auDA Management Response to expand allocation criteria to include registration for the purpose of pay-per-click or affiliate web advertising/ lead generation, or electronic information services including email, file transfer protocol, cloud storage or managing Internet of Things (IoT) devices.

(b) Reform of Existing Policies on Resale (PRP Recommendations 5 and 6)



Consistent with the auDA Management Response, ARQ Group Limited agrees with and supports removal of the prohibition on registration of domain names in commercial namespaces (com.au, net.au and .au) for the sole purpose of resale or transfer to another entity.

(c) Reform of Existing Policies on Warehousing (PRP Recommendation 5 and 6)

Consistent with the auDA Management Response, ARQ Group Limited does not agree with nor support the introduction (or strengthening, to the extent that they already exist) of prohibitions on domain name "warehousing".

(d) Reform of Existing Policies on Misspelling (PRP Recommendations 16, 17, 18 & 19)

Consistent with the auDA Management Response, ARQ Group Limited does not agree with nor support retention of the Prohibition of Misspellings Policy (2008-09).

3. Implementation Plan for Direct Registration (Recommendations 22, 23; and Proposed .au Namespace Implementation Rules)

ARQ Group Limited agrees with and supports the auDA Management Response to the PRP's Recommendations 22 and 23 in relation to the implementation plan for direct registration. Further, ARQ Group Limited agrees with and supports the draft .au Namespace Implementation Rules prepared by auDA at <https://www.auda.org.au/assets/Uploads/auDA-namespace-implementation-rules-15-April-2020.pdf>

4. Conclusion

We recognise the primary importance of auDA's role in management of the .au namespace. We acknowledge that the consultative process around the proposed introduction of direct registration has been continuing in Australia for over 4 years. Furthermore, we acknowledge and applaud the extensiveness of auDA's most recent public consultation activities, including focus groups, targeted consultation and the current nation-wide public awareness campaign. Australian Internet community stakeholders have all had an opportunity to participate in the consultation process. We believe the auDA Management Response to be fair and balanced and will further enhance the strength, stability and utility of the .au namespace. We encourage auDA to implement the proposed policy reforms as expediently as possible.

Please address any queries in relation to the above to Fred Salem on 0404 846 843 or by email to fred.salem@arq.group.

Yours faithfully

Fred Salem
Product Manager
ARQ Group Limited

auDA Direct Registration - May 2019 DTA Response - Signaling Intent [SEC=OFFICIAL]

Gordon Grace <Gordon.Grace@dta.gov.au>

Fri 10/05/2019 4:24 PM

To: policies <policies@auda.org.au>; auDA Policy Review <policy.review@auda.org.au>;

Cc: Bruce Tonkin <bruce.tonkin@auda.org.au>; Alister Paterson <alister.paterson@auda.org.au>; matt.goonan@auda.org.au <matt.goonan@auda.org.au>; DNA <dna@dta.gov.au>;

OFFICIAL

Good afternoon, auDA –

Thank you again for the opportunity to comment on the policy review currently underway, and for inviting us to participate in the open forum yesterday.

The DTA intends to submit an updated, formal response to the latest documents released by auDA as part of the consultation, and we'll be focusing primarily on:

1. Requesting that there are sufficient measures in place to **prevent** .au registrars from allowing domains ending in 'gov.au' to be registered without first undergoing a formal request for exemption. We note that section 2.5.2-3 of the [Licencing Rules](#) indicates that 'a person must not apply', but no mechanisms are suggested for enforcement (or requiring additional verification) **before** registration occurs.
 - a. For example, registration of 'aecgov.au', 'atogov.au' or 'censusgov.au' need only be regarded by the registry as valid for a single hour in a single day for **significant damage to the public interest** (proper administration of government, consumer protection, economic wellbeing, prevention and detection of crime and fraud) to occur.
 - b. These deceptively similar gov.au domain names (and others like them) may also be regarded as 'a risk to the...integrity of the .au ... Domain Name System.' (Licencing Rules - 2.6.1)
 - c. Licencing Rules formatting comment: should 2.5.3 and 2.5.4 be sub-points of 2.5.2?
2. The retrospective application of cut-off dates remains a concern, despite raising the issue on several occasions previously. Over 300 gov.au domains would be ineligible for Category 1 direct registration if the 5 February 2018 cut-off date is retained. Our preference for a cut-off date would be the date of the board's approval of the policy.
3. Requesting a formal, public acknowledgment by auDA of the extenuating circumstances surrounding [sub-]domains in the nt.gov.au, tas.gov.au and csiro.au namespaces and their eligibility for direct registration. This would ensure maximum transparency for other registrars, as prior discussions with auDA have indicated that certain exemptions will be made.
4. Updating proposed auDA policies that refer to 'the gov.au *Domain Name Guidelines*' to instead read 'the gov.au *Domain Policies*'.

We'll aim to have a covering letter from our CTO attached, ensuring the response is fit for publication on the auDA website, prior to **21 May 2019**.

In the interim, if there is any other movement from auDA on the issues mentioned above, please let us know.

Regards,

Gordon Grace

Product Owner: Domain Names; Australian Government Design System; WofG Web Reporting Service

Digital Transformation Agency

Australian Government

www.dta.gov.auE: gordon.grace@dta.gov.au

Ph: 0473 519 480

The DTA acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

**Australian Government****Digital Transformation Agency**

OFFICIAL

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.

<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001

By email to: policies@auda.org.au

Dear Sirs,

RE: Submissions on Policy Review Panel (PRP) Reform of Existing Policies and Implementation Plan for Direct Registration

1. About Terrific.com.au Pty Ltd

Terrific is an auDA accredited Terrific for domain names, including in the com.au and net.au namespace. These submissions are based on (amongst other things) Terrific's experience in providing domain name registration, renewal and management services to Australian registrants.

2. Reform of Existing Policies (2017 Policy Review Panel Final Report and Recommendations auDA Management Response; Board Presentation - 15 April 2019; and Proposed Licensing Rules)

Terrific agrees with and supports the auDA Management Response to the 2017 Policy Review Panel Final Report (*auDA Management Response*) located at <https://www.auda.org.au/public-comment/>

In addition to the comments made by auDA in its response, we add the below additional comments;

a. Reform of Existing Policies on Monetisation (PRP Recommendation 9)

Consistent with the auDA Management Response, Terrific agrees with and supports the current policy of domain name monetisation as being a basis for satisfying the allocation criteria in the com.au and net.au namespaces.

Further, Terrific agrees with and supports the auDA Management Response to expand allocation criteria to include registration for the purpose of pay-per-click or affiliate web advertising/ lead generation, or electronic information services including email, file transfer protocol, cloud storage or managing Internet of Things (IoT) devices.

b. Reform of Existing Policies on Resale (PRP Recommendations 5 and 6)

Consistent with the auDA Management Response, Terrific agrees with and supports removal of the prohibition on registration of domain names in commercial namespaces (com.au, net.au and .au) for the sole purpose of resale or transfer to another entity.

- c. Reform of Existing Policies on Warehousing (PRP Recommendation 5 and 6)**
Consistent with the auDA Management Response, Terrific does not agree with nor support the introduction (or strengthening, to the extent that they already exist) of prohibitions on domain name “warehousing”.
 - d. Reform of Existing Policies on Misspelling (PRP Recommendations 16, 17, 18 & 19)**
Consistent with the auDA Management Response, Terrific does not agree with nor support retention of the Prohibition of Misspellings Policy (2008-09).
- 3. Implementation Plan for Direct Registration (Recommendations 22, 23; and Proposed .au Namespace Implementation Rules)**
Terrific agrees with and supports the auDA Management Response to the PRP's Recommendations 22 and 23 in relation to the implementation plan for direct registration.

Further, Terrific agrees with and supports the draft .au Namespace Implementation Rules prepared by auDA at <https://www.auda.org.au/assets/Uploads/auDA-namespace-implementation-rules-15-April-2020.pdf>

4. Conclusion


We recognise the primary importance of auDA's role in the management of the .au namespace. We acknowledge that the consultative process around the proposed introduction of direct registration has been continuing in Australia for over 4 years. Furthermore, we acknowledge and applaud the extensiveness of auDA's most recent public consultation activities, including focus groups, targeted consultation and the current nation-wide public awareness campaign.

Australian Internet community stakeholders have all had an opportunity to participate in the consultation process. We believe the auDA Management Response to be fair and balanced and will further enhance the strength, stability and utility of the .au namespace.

We encourage auDA to implement the proposed policy reforms as expediently as possible.

Please address any queries in relation to the above to Dina Horne on +61 (0)3 8899 7598 or by email to dina@terrific.com.au.

Yours sincerely


Dina Horne
Director
Terrific.com.au Pty Ltd



.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001

By email to: policies@auda.org.au

Dear Sirs,

Submissions on Policy Review Panel (PRP) Reform of Existing Policies and Implementation Plan for Direct Registration

1. About CSC

CSC is an auDA accredited Registrar for domain names, including in the com.au namespace. These submissions are based on (amongst other things) CSC's experience in providing domain name registration, renewal and management services to Australian registrants.

2. Reform of Existing Policies (2017 Policy Review Panel Final Report and Recommendations auDA Management Response; Board Presentation - 15 April 2019; and Proposed Licensing Rules)

CSC agrees with and supports the auDA Management Response to the 2017 Policy Review Panel Final Report (*auDA Management Response*) located at <https://www.auda.org.au/assets/Uploads/Management-Report-PRP-Recommendations-Final.pdf>

In addition to the comments made by auDA in its response, we add the below additional comments.

(a) Reform of Existing Policies on Monetisation (PRP Recommendation 9)

Consistent with the auDA Management Response, CSC agrees with and supports the current policy of domain name monetisation as being a basis for satisfying the allocation criteria in the com.au and net.au namespaces.

Further, CSC agrees with and supports the auDA Management Response to expand allocation criteria to include registration for the purpose of pay-per-click or affiliate web advertising/ lead generation, or electronic information services including email, file transfer protocol, cloud storage or managing Internet of Things (IoT) devices.



(b) Reform of Existing Policies on Resale (PRP Recommendations 5 and 6)

Consistent with the auDA Management Response, CSC agrees with and supports removal of the prohibition on registration of domain names in commercial namespaces (com.au, net.au and .au) for the sole purpose of resale or transfer to another entity.

(c) Reform of Existing Policies on Warehousing (PRP Recommendation 5 and 6)

Consistent with the auDA Management Response, CSC does not agree with nor support the introduction (or strengthening, to the extent that they already exist) of prohibitions on domain name “warehousing”.

(d) Reform of Existing Policies on Misspelling (PRP Recommendations 16, 17, 18 & 19)

Consistent with the auDA Management Response, CSC does not agree with nor support retention of the Prohibition of Misspellings Policy (2008-09).

3. Implementation Plan for Direct Registration (Recommendations 22, 23; and Proposed .au Namespace Implementation Rules)

CSC agrees with and supports the auDA Management Response to the PRP’s Recommendations 22 and 23 in relation to the implementation plan for direct registration.

Further, CSC agrees with and supports the draft .au Namespace Implementation Rules prepared by auDA at <https://www.ada.org.au/assets/Uploads/auDA-namespace-implementation-rules-15-April-2020.pdf>

4. Conclusion

We recognise the primary importance of auDA’s role in management of the .au namespace.

We acknowledge that the consultative process around the proposed introduction of direct registration has been continuing in Australia for over 4 years. Furthermore, we acknowledge and applaud the extensiveness of auDA’s most recent public consultation



activities, including focus groups, targeted consultation and the current nation-wide public awareness campaign.

Australian Internet community stakeholders have all had an opportunity to participate in the consultation process. We believe the auDA Management Response to be fair and balanced and will further enhance the strength, stability and utility of the .au namespace. We encourage auDA to implement the proposed policy reforms as expediently as possible.

Please address any queries in relation to the above to Midori Suganuma on 03 9611 9559 or by email to Midori.suganuma@cscglobal.com.

Yours sincerely,

Midori Suganuma
TLD Ops, Regional Manager
CSC



+61 (08) 9422 0894

info@dreamscapenetworks.com

+61 (08) 9422 0801

www.dreamscapenetworks.com

Friday, 10 May 2019

.au Domain Administration Limited

PO BOX 18315

Melbourne VIC 3001

policies@auda.org.au

RE: Submissions on Policy Review Panel (PRP), Reform of existing Policies and Implementation Plan for Direct Registration

Introduction

Dreamscape Networks owns and operates Australia's largest .au domain brand, Crazy Domains, as well as the .au accredited entity Web Address Registration Pty Ltd.

Crazy Domains supports over 500,000 small to medium businesses within Australia with a core purpose of making it easy, affordable and efficient for SMBs to succeed online.

Dreamscape's submissions are based on its 15+ years of experience in providing domain name registration, renewal and management services to Australian registrants in addition to the engagement of other associated products and services which amplify the benefits which can be achieved through a .au domain registration.

Dreamscape has a strong affinity to the .au domain space and has worked closely with auDA, particularly in recent years, to ensure that the industry remains as relevant and as valuable to its constituents moving forward as it has in years past. Hundreds of thousands of businesses have put faith in the .au industry and it is largely an undervalued contributor to the country's economy, as such it is important for us, but mostly for our customers that their investment is nurtured and allowed to evolve to remain a competitive force in the broader, global scale.

Reform of Existing Policies (2017 Policy Review Panel Final Report and Recommendations)

Dreamscape was broadly supportive of auDA policy reform. auDA maintained an overly complex suite of policies which in many circumstances were contradictory, subjective in application and in general caused confusion particularly to the primary portion of .au's end user base.

1. Existing policies be simplified and consolidated into three policies



Dreamscape Networks Limited | ASX: DN8
Level 2, 50 Kings Park Road, West Perth, WA 6005



+61 (08) 9422 0894

info@dreamscapenetworks.com

+61 (08) 9422 0801

www.dreamscapenetworks.com

We support the implementation of this recommendation.

Reserve of comment on the to be released draft policy documents.

2. **For all domain names registered in .com.au, .net.au, .org.au, .asn.au, .id.au and .au, the registrant must be a legal person with an Australian presence**

We support the implementation of this recommendation.

Our support is on the basis that registrants are responsible for ensuring their eligibility per the Australian presence requirements, reserve of comment of specification of "Australian Presence" as proposed by auDA and communicated to registrars on April 15 2019.

We support the implementation of this recommendation.

The implementation of a consistent Australian presence test across all zones within the .au space. This drives consistency and clarity of understanding.

- 3. The applicant or owner of an Australian trade mark application or registration can rely upon that application or registration to establish an Australian presence, but only in respect of a domain that is an exact match to the Australian trade mark application or registration. This trade mark application or registration must be for a word mark, not a device or logo mark. If a trademark registration is cancelled or removed from the Register, or if a trade mark application lapses, there is an automatic loss of the Australian presence on this ground.**

We do not support the implementation of this recommendation.

This recommendation creates a diversification in application of policy towards registrants and only serves to add confusion and misunderstanding. However, we do support the idea that an Australian trademark be considered to meet the Australian presence test.

An international business is only likely to register an Australian trademark to legitimise its business, operations and/or product in the Australian market. Implementation of this recommendation is likely to drive international businesses towards non .AU domain names to promote their products in the Australian market which devalues the .au domain space and causes potential lack of trust due to that disconnect.

Whilst this is open for abuse, we do not believe that to be any more so than any of the other eligibility or tests for Australian presence. We simply do not believe that the implementation of this recommendation solves any significant challenge and only serves to create more.

- 4. The resale and warehousing prohibition rules should be retained and strengthened.**

We partially support the implementation of this recommendation.

We do not support the Panel's recommendation and do not support application on .com.au, .net.au or .au spaces. This does not solve a significant problem within the domain space and only serves to provide further confusion particularly in comparison to other TLDs

This do support auDA's recommendation as communicated to registrars on April 15 2019 and we support continued application of resale and warehousing prohibition rules across .edu.au, .org.au, .asn.au, .id.au and .vic.au.

- 5. Registrants should be prohibited from registering a domain name “primarily” for the purpose of resale or warehousing.**

We do not support the implementation of this recommendation.

We support auDAs recommendation as communicated to registrars on April 15 2019 in line with the above.

- 6. A list of factors indicating that a domain name has been registered primarily for resale or warehousing should be included in the new Registrant Policy, and if the majority of these factors are met, then the onus should shift to the registrant to demonstrate that the registrant did not register the domain name for purpose of resale or warehousing.**

We do not support the implementation of this recommendation.

We support auDAs recommendation as communicated to registrars on April 15 2019 in line with the above.

- 7. The “close and substantial connection” rule be retained and expanded to recognise online directories and informational services that specifically and predominantly relate to the subject matter of that domain name.**

We do not support the implementation of this recommendation.

We are in favour of uniformity across the space, where possible. Meaning that we would advocate for consistency across .au, .com.au and .net.au.

Given that close and substantial connection is not proposed to be included in .au at the second level, we do not see a material purpose for it to be continued to be applied across .com.au and .net.au. We therefore, do not support its retention and by association see no need for expansion.

We have included further reasoning and explanation within the Direct Registration section of our submission.

8. Domain Monetisation should no longer be a basis to meet the allocation criteria to register a domain name in the .au domain space.

We do not support the implementation of this recommendation.

As noted within auDAs recommendations communicated to registrars on April 15 2019, restrictions are proposed to continue to apply to .edu.au, .org.au, .asn.au, .id.au and .vic.au spaces. We support this recommendation.

We generally support the continued allowance of domain monetisation and in line with auDAs recommendations, noted above, support the inclusion of “electronic services” and “Internet of Things”. However, we must note that inclusion of applied technical terms such as “Internet of Things” is generally ambiguous, subjective and in general would be better suited tied to a “close and substantial connection” (should that be retained) to an Australian presence versus Domain Monetisation.

9. A registrant should have a six months’ grace period from first registration to meet the close and substantial connection test.

We do not support the implementation of this recommendation.

This recommendation serves no purpose, particularly in view of the above recommendations but largely we see that grandfathering such policy changes only serves to disrupt arguably legitimate businesses which utilise the .au domain space for said purposes.

10. Existing registrants should be allowed to retain their registrations until the end of the current registration period, but should only be able to renew their registrations if they meet the then current eligibility and allocation rules at the time of renewal.

We do not support the implementation of this recommendation.

In light of the above, this recommendation serves no real purpose. However, we generally do not support such grandfathering.

11. A process be created to allow transferees of existing domain names to receive the benefit of the remainder of the licence period.

We partially support the implementation of this recommendation.

In regular circumstances we would be more supportive of this recommendation from the Panel. We support that a domain name transferee should receive the benefit of any remaining license period. However, due to the requirement of a transferee to enter in to a new license agreement with the

Registrar under the new rules, and the implication this has on the license period, we acknowledge that this is not feasible.

We do not support the recommendation proposed by auDA on April 15 2019 that a credit for the remaining period of the license is applied to the new license. We do not believe that this there is justification for the implementation to manage credits on such a basis. The operational and administrative costs placed on such a structure would not add any significant value to any stakeholders.

12. In addition to auDA's ability to cancel a domain name licence in defined circumstances, auDA will have the power to suspend a domain name licence. The period of suspension should be limited.

We support the implementation of this recommendation.

We further request consultation and consideration for defined process and policy pertaining to the registrar's compliance to orders received by relevant law enforcement bodies to act on such similar requests. Such circumstances have become more prevalent in recent years and there is a general lack of understanding within law enforcement bodies as to the structure of the industry and the roles of the stakeholders within. This can leave registrars at risk of either non-compliance with sanctioned orders from government bodies, or non-compliance with auDA policies and regulations.

A process by which communication of activity must be applied to ensure transparency where applicable and not in contravention of a respective order.

13. During the period of suspension, the registrant of a suspended domain name will have the ability to appeal the suspension under the new Complaints Policy.

We support the implementation of this recommendation.

14. The ability to cancel or suspend a domain name licence to "comply with a request of a law enforcement agency, or an order of a court or under any applicable law, government rule or requirement, or under any dispute resolution process" will be clarified as set out above.

We support the implementation of this recommendation.

15. The Prohibited Misspelling List be retained.

We partially support the implementation of this recommendation.

The current application of the Prohibited Misspelling List is challenging. We support the implementation of a published list of terms associated with the government, security bodies, and core infrastructure entities, deceptively similar second level name spaces (e.g. .co.au) and any other government sanctioned body.

We do not support the continued application of Misspellings applied to corporate entities. The maintenance of a conclusive list that fairly applies restrictions across established businesses and brands is not able to be maintained in a feasible manner, and as noted through auDA recommendations communicated to registrars on April 15 2019, is arguably protected by other Australian laws and regulations.

For any misspelling there are potentially hundreds, if not thousands of potential misspellings within the allowed character set and we question, where do you stop? We would rather see auDA and the registry consider more comprehensive abuse monitoring technology to holistically address the problem.

We would further recommend that auDA consider the merging of the Reserved Names and Misspelling policies as proposed applications are very similar.

We do not support the Misspelling List being retained and rather support the recommendation communicated to registrars on April 15 2019.

16. The list remains publicly available on the auDA website. The following details will be disclosed on the published list: The blocked domain name, the date the domain name was blocked, the person or entity that lodged the complaint, and the rights the complainant relied on. The misspelling should be blocked in all relevant name spaces.

We support the implementation of this recommendation.

Publication achieves transparency and consistently and if applied with the other respective recommendations gives users clarity on what is, and what isn't restricted. We acknowledge however, that there may be security related concerns with regards to certain potential misspellings (depending on application of policy).

17. Prohibited misspellings will be blocked from registration, unless a potential registrant can demonstrate that it has legitimate grounds for use of the domain name.

We support the implementation of this recommendation.

The current retrospective application of policy to delete domain names registered causes confusion to end users and at times this can significantly restrict their proposed use case. Practically and operationally it makes far better sense to block restricted registrations at the registry level, as guided by auDA.

We would further recommend that auDA and the registry apply functionality which allows registrars to recognise the reason of the blocked domain name, so that the registrar can adequately communicate the status and process to the customers through its relevant technology.

18. auDA will have the discretion to unblock the prohibited misspelling if the potential registrant can demonstrate that it has legitimate grounds for use of the domain name.

We support the implementation of this recommendation.

As per the above recommendations, auDA should manage the application of the prohibited misspelling list. auDA should similarly manage the process by which an applicant can demonstrate legitimate grounds for registration and use of the respective domain name.

We further request that auDA ensure that this process is published and clear so that it may be referred to, understood and applied with clarity and consistency.

19. A Reserved List will be retained and comprised of:

- **Words, phrases and acronyms prohibited by Australian law, including both Commonwealth and State law;**
- **Names and abbreviations of Australian states and territories and the name "Australia";**
- **Names that threaten the integrity and stability of the .au name space; and**
- **Names for use as future 2LDs, with registrations at the third level.**

We support the implementation of this recommendation.

As noted above, we believe auDA should consider the merging the misspelling and reserved list policies. This should apply both in regards to alignment but also application.

20. The Reserved List will be published in its entirety on the auDA website (except for names that cannot be published for security reasons).

We partially support the implementation of this recommendation.

As noted with the Misspelling policy, the lack of transparency and up-front communication surrounding the reason to which some domains may not be registered causes confusion and concern to end users. Where possible (save for security related reasons), reserved terms and domain names should be published and able to be adequately communicated to relevant stakeholders why they cannot be registered.

Other Policy Changes

The following addresses other proposed changes from auDA's proposed clean up and modernisation of policies presented to Registrars on April 17th 2019.

For .au, you won't be able to register names that are deceptively similar to existing second level domains. For example:

- **.co.au (similar to .com.au)**
- **Mygov.au (similar to my.gov.au)**

We support the implementation of this recommendation.

This support is per commentary pertaining to misspelling and reserved names.

Allow names related to major written language groups in Australia and major trading partners:

- **Chinese (Simplified)**
- **Korean**
- **Japanese**
- **Arabic**
- **Vietnamese**

We support the implementation of this recommendation.

It should be noted however that there would be significant technical implementation requirements to be met for registrars to broadly support IDNs. We are broadly supportive of the change to policy but it needs to be clarified as to exact application, interpretation and enforcement.

Prohibition on rent, lease or sub-license to a third party unless a related body corporate with an Australian presence.

We support the implementation of this recommendation.

Bring .au into line with all other TLDs, and allow a registrant to renew at the time of their choosing.

We support the implementation of this recommendation.

Revision to the “Escalation process for complaints”.

We support the implementation of this recommendation.

Furthermore, we encourage auDA to clearly document, articulate and potentially train its recommended process with Registrars relevant to each use case (complaint type). This will drive a greater uniformity and consistency of understanding amongst the registrar group and result in greater efficiencies and consistency across the industry.

Direct Registration

The following address recommendations made by the Policy Review Panel established on 6 of October 2017 in addition to comments and recommendations made by auDA management presented to Registrars on April 17th 2019

21. That Direct Registration be implemented as soon as practical in accordance with the implementation policy set out in Annexure E to this paper.

We partially support the implementation of this recommendation.

Over all, we are in full support of Direct Registration. The .au domain space has long held a strong affinity with not only it’s registrants but end users of the internet, particularly within Australia. It is often the first TLD a user types when attempting to browse to a brand name, it is tied to the vast majority of Australian government bodies, infrastructure providers and is largely a part of everyday life for the Australian public.

As with any technology, it is important that it remains relevant, progressive and evolves with use cases, demand and the competitive landscape that in particular has increased over recent years with the launch of new TLDs into the domain name market.

.au growth has slowed significantly over the past 3 years and whilst much of that is arguably due to a plateau of growth in general engagement with an online presence in Australia, we have seen some trends which display a reduced affinity with .com.au. In late 2018, for the first time in our recorded history, we saw .com domain searches surpass .com.au.

We have also seen a consistent record of users searching for domain names to be registered under the .au TLD (e.g. searching for *iwantthisdomain.au*). We started to notice an increase in this trend from 2014, presumably triggered by the launch of .uk and subsequently .nz where they had only previously allowed registrations under the third level. Volume of such instances have never

reached any material numbers, but shows that there is demand, if not expectation for support of registrations at the second level.

That all being said, we hold some points of difference in regards to both the Panel's and auDA's recommendations on Direct Registration Implementation, as noted below.

22. That domain names directly registered under .au will have no eligibility or allocation criteria, other than an Australian presence requirement.

We support the implementation of this recommendation.

Eligibility requirements have long caused restriction on registrations within the .au space. Historically, we have seen approximately 30% of users exit the domain registration process at the eligibility page. 22% would go forward to purchase an alternate TLD, whilst 8% of users would not register a recorded return. This represents not only substantial loss of business for us commercially, but more importantly an even greater loss of registrants looking to enter the .au domain space.

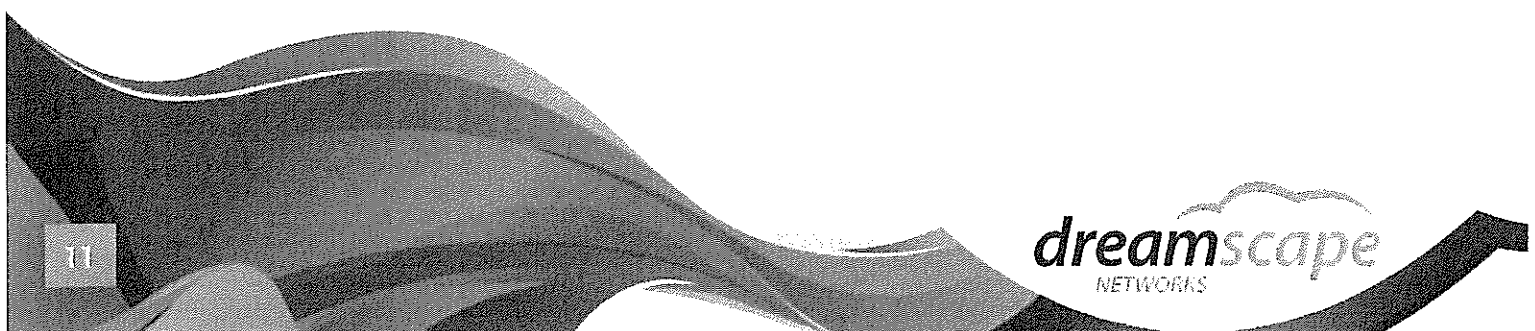
While they have served a purpose towards keeping registered domain names closely tied with registered entities within Australia, they have often been seen as a blocker, particularly within the small to medium business sector and "startup community". This has largely driven end users to other domain spaces which only serves to devalue the .au domain space.

Removing such restrictive requirements will allow greater access to the .au domain space, continue, if not grow Australia's strong affinity with .au and will provide a more progressive environment for growth within Australia's online community, regardless of purpose.

However, contrary to recommendations, we believe that the removal of eligibility (other than the Australian presence requirement) should apply to the .com.au and .net.au domain spaces as well as direct under .au.

Continued application of eligibility criteria on .com.au and .net.au appears to be redundant. If the industry is driving registrants towards the shorter, more appealing, less restrictive .au, it stands to reason that continuing to apply hurdles for registrations in the .com.au and .net.au spaces only serves to continue confusion and restriction.

As noted our Direct Registration preface, there is substantial disruption seen through the customer journey of a .com.au and .net.au registration when hitting the eligibility page. Whilst the journey can be crafted to guide potential registrants to a .au domain name, it is far from ideal and will still result in an element of disenfranchise and exit from the entire domain space.



End users of the internet will not clearly understand the relation of .com.au and .net.au to commercial entities and organisations as this is not commonly applied within any other domain space, particularly to .com which is the internet's most adopted TLD.

Further to this, if users do gravitate towards direct registration then it is likely only a matter of time before auDA dissolves the eligibility requirements on .com.au and .net.au. It makes sense to us, to dissolve that requirement now, keep policy clean and clear and allow choice for any Australian registrant as to which specific space applies to them and their purpose, if not several.

We believe that the eligibility requirements should be consistent across .au, .com.au and .net.au

23. That all auDA Policies (where applicable) apply to domain names directly registered under .au.

We support the implementation of this recommendation.

As noted throughout our submission, we are very strong advocates of consistency and transparency. The majority of .au's registrants need clear, concise and easy to understand policies and processes to best engage with the domain space.

24. That there be a widespread education and awareness campaign leading up to the release of direct registrations.

We support the implementation of this recommendation.

Education and awareness will be key to the success of the launch and (amongst other things) is where other domain spaces failed in the past. It is important to us that there is alignment in the messaging, not only between auDA and ourselves, but auDA and the broader industry.

Other Direct Registration Recommendations

The following addresses other proposed changes from auDA's proposed clean up and modernisation of policies presented to Registrars on April 15th 2019.

Implementation timeline

We partially support the implementation of the recommendation.

We support the currently specified cut off date of 4 February 2018.

We support the currently proposed launch date of 1 October 2019.

We partially support the proposed 6 months priority application period. Whilst we would prefer a shorter period (of 3 months), we acknowledge the unsuitable timing in regards to the festive period along with the disruption this would cause amongst .au registrants.

We partially support the proposed restricted period. We are in favour of a restricted period where conflicted domains require negotiation between respective parties. It is arguable whether or not this has an infinite time frame vs limited but we support auDA's proposal to review this periodically so as to allow avoidance of a situation where a portion of domain names are infinitely blocked.

We support the proposal of an application fee along with required renewal. There will be administrative and operational costs to implement and support the application process which needs to be covered on an ongoing basis. We do not support the idea of a refund (partial or otherwise) should an applicant not end up with the registration as said administrative costs would already have been incurred.

Draft .au Namespace Implementation Rules

The following addresses the proposed draft .au Namespace Implementation Rules presented to Registrars on April 15th 2019.

Clause 1.3.2 – The commencement table highlights the timeline with relation to the implementation. It refers to do distinct categories of priority in Category 1 and Category 2. It is not until Clause 1.5 that the categories are defined. We would suggest earlier definition for the timings to be easily understood.

The term "Priority Registration" is utilised within the same table, as well as elsewhere through the document, however the term is not defined in any clear method.

Clause 1.4 – The "Cut-off date" is not clearly defined anywhere within the document. There is no mention of 4 February 2018 at all.

The “Application period” refers to 180 calendar days after the commencement in which an eligible Person can make an application for Priority Status to the Registrar. Assuming go live at 00:00:00 October 1 2019 and closure at 00:00:00 on April 1 2020, that equals 183 calendar days.

Clause 1.6.4 (7) (b) – This clause refers to the requirement for a registrant in Category 2 to make an application to a registrar by 1 August 2020. There is no reference to this in the table presented in Clause 1.3.2. What exactly is the relevance of this date?

Clause 1.7.10 (1) – After making an application, the Person will not be able to update or change their Registrant information for the eligible license in the Registry Data.

We do not support the implementation of this clause.

This is likely to cause issues in situations where an entity has legitimate obligations to transfer ownership of a domain name. For instance, if an entity has entered, or enters an agreement of sale by which they are required to change the registrant of the domain name the new license holder would forego their rights to the respective .au domain name. This situation also comes into effect with reference to the second (2) part of this clause.

Also, as there is no definition to “Registrant Information” it can be assumed that this refers to contact details tied to a domain name. Again, this restricts a registrant from updating relevant contact information in the event of staff changes, or re-organisation.

We understand the reasons why this clause may be sought to be included but feel it is too restrictive in a collection of legitimate circumstances.

We also seek to obtain clarity as to how this would be governed. Will auDA monitor such restrictions; will it be the responsibility of the registrar; if an application is received whereby the eligible domain name is held with another registrar, how will the “new” registrar monitor such changes; how will any exceptions be handled from a process perspective, etc.

Other general comments and concerns

The method and process for tracking and communicating applications is not defined. We would expect that auDA would quickly define the process and ensure that there is adequate process to give transparency and communication to all parties involved.

Conclusion

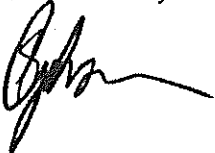
As noted within, we are largely supportive of both the panel and auDA's recommendations with relation to policy reform and direct registration. We have not supported a range of recommendations and suggestions on the basis of the impact it would have to the broader volume of the industry which is based largely on our 15+ years of experience in supporting its registrants and end users. We recognise the primary importance of auDA's role in management of the .au namespace and respect its views and opinions based on its own experience.

We also acknowledge that the consultative process around the proposed introduction of direct registration has been continuing in Australia for over 4 years. Furthermore, we acknowledge and applaud the paradigm shift in auDA's approach to obtaining engagement, feedback and consultation with all of the stakeholders of the Australian internet space. We strongly advocate a continued, if not increased focus on this moving forward, to ensure that auDA remains in touch with the industry as a whole.

We encourage auDA to implement the proposed policy reforms as expediently as possible.

Please address any queries in relation to the above to Gavin Gibson, Chief Operations Officer of Dreamscape Networks Limited and Director of Web Address Registration Pty Ltd on +65 9233 8730 or by email to gavin.g@dreamscapenetworks.com

Yours sincerely



Gavin Gibson
Chief Operations Officer

Dreamscape Networks Limited

Example of vote.com.au submission

From: Rudy Labordus <rudy@onlinecrowd.com.au>

Sent: Wednesday, 8 May 2019 7:20 PM

To: policies

Subject: Public Submission from VOTE.com.au - PRP Final Report on Reform of Existing Policies and Direct .AU Implementation

My Name is:

Rudy Labordus

My Email is:

rudy@onlinecrowd.com.au

My Business/Company name is:

Online Crowd

My Domain Name is:

<https://onlinecrowd.com.au>

.au Domain Administration Limited
ABN 38 079 009 340
PO Box 18315
Melbourne VIC 3001

By email to: policies@auda.org.au

Dear auDA,

RE: auDA Management Response to Policy Review Panel Final Report and Implementation Plan for Direct Registration

auDA Management Response to Policy Review Panel Final Report

In April this year, the au Domain Administration formally responded to the Policy Review Panel Final Report.

In consideration of auDA Management response, I support the findings and determinations made by auDA. My only exception is the indefinite time frame to resolve the application rights for direct registration between conflicted parties with an exact match domain.

Retrospectively, I appreciate all the hard work, effort, and due diligence undertaken by auDA which brought about a fair and reasonable outcome for the Australian Internet Community.

Implementation Plan for Direct Registration

I am aware, the .au Domain Administration intends to launch direct registration in the .au namespace. This means I will be able to register domain names in .au directly (such as example.au opposed to example.com.au).

Under the proposed eligibility rules, my domain names are categorised by a cut-off date which is the 4 February 2018. This means, Category 1 for prior and Category 2 for post.

In this regard, there are two separate application procedures.

Category 1

Applications

auDA will require me to make the application to my Registrar by or on: 1 April 2020 whereby, auDA will require that I must pay an annual application renewal fee. Should I fail to pay this annual application renewal fee my domain name will automatically lapse. I believe, I should not be charged annually for a product I cannot use or may not possibly receive; I believe it should be free.

Fees

I note auDA did not publicly disclosed the annual renewal fee. As a result, I disagree with this policy provision because it is unclear how much auDA will charge me.

Application Transfers

After making my application, I will not be able to update or change my application information, and I cannot transfer the eligible licence to another Person during the Application Period;

I disagree with this policy provision; I should be allowed to transfer the application for the eligible exact matching domain to anyone under any circumstance, for example, a buyer interested in purchasing my domain name should receive the application rights, or in the event of a company restructure, merger, or liquidation they should also receive the application rights.

Category 2

Applications

auDA will require me to make the application to my Registrar by or on: 1 August 2020, and if there are multiple Persons with an eligible licence of the same domain name as mine, then the Person who registered it first gets the prize.

I disagree with this policy provision; I should have equal opportunity to receive the exact matching domain irrespective of the age of my domain name.

Third Party Use

A Person must not rent, lease, sub-licence or permit the use of the licence by another Person, unless that Person is a related body corporate with an Australian presence.

I should be allowed to give any person(s) an opportunity to buy my domain name using; a payment plan, lease option, hire option, rental plan, or sub-licencing agreement. Also, business owners may choose to use Premium Domain Names for a set period of time for promotions, product launches, or special events as an alternative to their main brand name or website.

Furthermore, Page 6 of the new LICENSING RULES accepted the legitimacy of domain monetisation and provided a definition of monetisation which included; (4) Domain leasing where the domain name is rented to advertisers or other interested parties.

In conclusion

Undertaking a conflicted name auction may not resolve the problem of allocation. It will feel unfair to possibly lose my exact matching domain name to a new competitor created in this new 'commercial namespace'. Also, it's irresponsible for the Domain Administrator to profit from a policy which brought about conflicted parties in the first place.

Accordingly, The Government Review recommends, auDA continue to operate as a not-for-profit entity and does not seek to maximise profit. Also RFC 1591 affirms, Concerns about "rights" and "ownership" of domains are inappropriate. It is appropriate to be concerned about "responsibilities" and "service" to the community.

The views, opinions, and statements used in this public submission assert an opinion shared by myself as a representative of the Australian Internet Community.

By submitting this electronic letter to auDA, I agree with it.

eDAC response to *auDA Administration Rules: Licensing;* *and auDA Administration Rules: .au* *Namespace Implementation*

FINAL

Version 1.1
May 2019

Contents

| | | |
|-------|---|----|
| 1 | Introduction | 3 |
| 1.1 | The Role of eDAC | 3 |
| 1.2 | General Considerations | 3 |
| 1.2.1 | Process to date | 3 |
| 1.2.2 | This submission | 4 |
| 1.2.3 | Policies superseded | 4 |
| 1.2.4 | Communication | 5 |
| 1.3 | High Level Summary of this Submission | 5 |
| 2 | Arrangement of this Submission | 6 |
| 3 | Reform of Existing Policies - Licensing | 6 |
| 3.1 | Part 1 - Introduction | 6 |
| 3.2 | Part 2 - Licences | 7 |
| 3.2.1 | Section 2.4 - Eligibility and Allocation Criteria | 7 |
| 3.2.2 | Section 2.5 - Domain Name Availability | 8 |
| 3.2.3 | Section 2.6 - Reserved Names | 8 |
| 3.2.4 | Section 2.8 - Internationalised Domain Name | 8 |
| 3.2.5 | Section 2.17 - Public Interest Test | 8 |
| 3.3 | Part 3 - Complaints | 9 |
| 3.4 | Part 4 - Amendments and Transitional Provisions | 9 |
| 4 | .au Namespace Implementation | 9 |
| 4.1 | Section 1.3 - Commencement | 10 |
| 4.2 | Section 1.4 - Definitions | 10 |
| 4.3 | Section 1.5 - Implementation Process | 11 |
| 4.4 | Section 1.7 - Application Process | 11 |
| 4.5 | Section 1.10 - Terms and Conditions | 11 |
| 4.6 | Section 1.12 - Cancellation of Licences | 12 |
| 4.7 | Section 1.13 - Complaints about Eligibility | 12 |
| | Appendix 1 - Proposed Reserved Names | 13 |

1 Introduction

1.1 The Role of eDAC

The .edu.au Domain Administration Committee (eDAC) is the advisory body for the edu.au second level domain (2LD). It monitors developments, contributes to major policy, and provides advice on issues related to monitoring and regulating the edu.au domain space.

eDAC comprises representatives from the:

- State and Territory Government schools sector
- National Catholic Education Commission
- Independent Schools Council of Australia
- Vocational Education and Training (VET) sector
- Higher Education sector.

eDAC is a representative body encompassing all education sectors within Australia. It provides policy direction for the closed edu.au 2LD. eDAC is supported by the Registrar for edu.au, Education Services Australia (ESA), and meets quarterly. eDAC is in turn accountable to .au Domain Administration Ltd (auDA). The complexity of the education sector in Australia, which runs across nine jurisdictions, means that a consultative body like eDAC is best able to speak for the sector on domain name issues.

eDAC's role is set out in [auDA policy 2015-02 - Governance Arrangements for the edu.au 2LD](#). Additional information is available at the eDAC website maintained by the Registrar, located at <https://www.domainname.edu.au>.

See <https://www.domainname.edu.au/policy.htm> for the current policies relating to edu.au. These were revised and promulgated less than three years ago after extensive consultation with the education sector and more widely. In the view of eDAC, they do not require further revision at this stage.

If they do, there is a process for policy revision in edu.au and this is set out in Policy 2015-03 - see https://www.domainname.edu.au/pdf/policies/change_process.pdf. It provides for a process of consultations intended to ensure that the policy represents the views of the sector, and any policy revision process must, in terms of the existing policy, follow this process.

The broad objective of eDAC is to ensure a stable domain space in a closed second level domain (edu.au) for the Australian education industry. Use of the edu.au second level domain by education organisations has had a very high acceptance and take-up by the industry. We believe that had the work on consumer perceptions undertaken by OmniPoll for the Policy Review Panel (PRP) - *Consumer perceptions of domain name extensions January 2019* - included edu.au, it would have demonstrated this. We believe that it would have shown a high level of awareness of and trust in the domain, comparable to that shown for gov.au. This support from education is shown in the excellent coverage of the industry by the edu.au 2LD. There are over 16,000 domain names in the edu.au 2LD, the majority of Australian education bodies.

1.2 General Considerations

1.2.1 Process to date

eDAC supports the review, simplification and consolidation of the existing auDA policies where possible. Over the past 19 years, the policies have evolved and this has led to the complex mesh of policies set out in Annexure A of the Final Report of the PRP.

On 16 April 2019 auDA issued a response to the Final Report of the PRP entitled *2017 Policy Review Panel Final Report and Recommendations: auDA Management Response*. This accepted 14 of the PRP's recommendations, partially accepted five recommendations, and rejected six recommendations.

At the same time auDA issued two documents that followed from the auDA management conclusions set out in the response cited above, and incorporated work that has been done to revise and consolidate the existing auDA policies. These policies had been developed over the previous 18 years, and review and consolidation was appropriate.

auDA issued a high level summary of its conclusions in presentation format, entitled *Management review of PRP recommendations and refinement of existing rules*.

auDA also issued, at the same time, two further documents:

- [.au DOMAIN ADMINISTRATION RULES Licensing.pdf](#)
- [.au DOMAIN ADMINISTRATION RULES .au Namespace Implementation Rules.pdf](#)

auDA sought feedback on the two policies and the other documentation by 10 May 2019. This is written in response to those documents.

1.2.2 This submission

This submission does not claim to be a legal opinion on the rules, or a general analysis and critique. It is written from the viewpoint of, and in the interests of, eDAC and the Australian education sector.

The rules are legally-drafted documents incorporating the two kinds of rules that have been discussed during the life of the PRP - the reform of basic auDA rules, and the introduction and implementation of direct registration.

1.2.3 Policies superseded

The proposed Licensing Rules are intended to supersede a number of existing policies. These should be listed in the introduction to the Licensing Rules. Our understanding is that these policies will be superseded by the Licensing Rules - they are listed at <https://www.ada.org.au/policies/> with the statement "All Published Policies, Guidance Notes, Administrative Arrangements and Dispute Resolution policies are considered in their entirety as 'Published Policies'." There is also a list of published policies at <https://www.ada.org.au/policies/index-of-published-policies/> in each case indicating the currency of the policy - current or superseded and if so, by what.

There appear to be some policies that are superseded by the Licensing Rules, and others that are not. For example, these appear *not* to have been superseded in the circulated draft:

- [2016-01 - .au Dispute Resolution Policy \(auDRP\)](#)
- [2015-02 - Governance Arrangements for the edu.au 2LD](#)
- [2014-01 - Privacy Policy](#)
- [2008-04 - Policy Rules and Guidelines for Community Geographic Domain Names \(CGDNs\)](#)

And these appear to have been superseded by the Licensing Rules:

- [2015-01 - Complaints Policy](#)
- [2014-06 - Reserved List Policy](#)
- [2012-05 - Guidelines on the Interpretation of Policy Rules for Open 2LDs](#)
- [2012-04 - Domain Name Eligibility and Allocation Policy Rules for the Open 2LDs](#)
- [2011-03 - Transfers \(Change of Registrant\) Policy](#)

- [2010-01 - Domain Renewal, Expiry and Deletion Policy](#)
- [2008-09 - Prohibition of Misspellings Policy](#).

Other current policies are less clear. We await clarification from auDA on this matter.

1.2.4 Communication

The two documents are legally-drafted, and in each case is a legal document. We feel that sometimes the documents communicate poorly, and are drafted with a legal intent that in some cases is at the expense of ready communication with stakeholders - in particular, registrars and registrants. We suggest that a plain English version of each document be produced to communicate with registrants in particular.

1.3 High Level Summary of this Submission

eDAC makes the following 12 major points:

1. Policies for edu.au were recently revised and exist in a clear, usable form. eDAC does not believe that they require further revision at this stage. If they did, there is a policy relating to the process of revision that should be followed.
2. It would be useful to indicate which current auDA policies are superseded by the Licensing Rules, entirely or in part, and which are not.
3. Some definitions - especially the definition of acronym - have major flaws, and need to be reviewed.
4. The relationship of the closed 2LDs to the Licensing Rules should be made clear. If there are significant changes proposed to be made, they should be the subject of consultation, since the closed domains (gov.au, edu.au and csiro.au) were not within the scope of the PRP.
5. The terminology used in the rules should be reviewed for consistency and clarity, and for conformance with international practice.
6. The matter of reserving names for potential use as 2LDs should be clarified.
7. In Section 4.2 of the rules there is a provision for changing these Licensing Rules. Changes to auDA policies have, historically, followed a highly consultative process involving two stages of public consultation, transparency in processes, openly available documentation, and engagement with stakeholders. This section appears to abolish that process. eDAC does not support this.
8. The process for resolving direct registration issues where there are multiple claimants should be indefinite.
9. The cut-off date specified (4 February 2018) is too early. If this is used, there should be exemptions for names in closed domains registered before the commencement of the priority allocation period.
10. eDAC believes very strongly that there should be no hierarchy of rights, and that all registrants should be able to directly register their names under .au, including those currently registered at the fifth level.
11. eDAC believes that an effort needs to be made to accommodate domain names that are currently managed outside the Registry Data or central .au registry; there should be an opportunity for these to be transferred into the .au registry prior to the start of direct registration.
12. eDAC suggests that there is a need to clarify likely fees, to assist registrants in planning strategies, and to create realistic expectations.

2 Arrangement of this Submission

The rules are legally-drafted documents incorporating the two categories of rules that have been discussed during the life of the PRP - the reform of basic auDA rules, and the introduction and implementation of direct registration.

This submission is in two parts corresponding to the two sets of rules. There is also a high level summary of the points made at [section 1.3](#), and some general considerations.

3 Reform of Existing Policies - Licensing

This is divided into four parts, and some subordinate sections, and includes this content:

1. Introduction (pp. 1-11)
2. Licences (pp. 12-34)
3. Complaints (pp. 35-40)
4. Amendments and transitional provisions (pp. 41-42)
5. Schedules

3.1 Part 1 - Introduction

The introduction includes provision for a commencement date. It would be useful to be provided with an indicative commencement date.

The objects of the rules are set out in 1.3. The implication of object 1.3.1(1) is that transparency, responsiveness and accountability would be incorporated in a consultative process for achieving changes to the Licensing Rules. There appears not to be such a process.

Otherwise the introduction consists largely of definitions. eDAC provides comments on several of these.

- **Acronym:** The definition provided is taken from Google. For domain name purposes this is the wrong definition, and it is important to use a definition that groups acronyms and initialisms together. Google's definition of an acronym is "an abbreviation formed from the initial letters of other words and pronounced as a word". The definition therefore excludes terms that are not, or not usually, pronounced as words. For example, CSIRO is not usually pronounced as a word (although it may be by some people). See comments on 2.4.4(2)(b) below.
- **Community group:** The context of this definition is not established, and the reason for the definition being explicitly geographic or spatial is not clear.
- **Domain Name Monetisation:** This is a complex definition.
- **Namespaces:** This term seems to have been adopted as a replacement for the globally-recognised term 'second level domains', or '2LDs'. The term is not defined, but simply accompanied by a list of some Australian second level domains; this does not include gov.au or csiro.au, which are also second level domains or namespaces, although they may not feature in these Licensing Rules. However, without including them, the definition is incomplete and misleading. The definition should also indicate that this refers to namespaces within the .au cc TLD; there are of course hundreds, perhaps thousands, of namespaces, and this is part of the context for .au.
At some places in these rules the term 'second level domain' is used rather than 'namespace', where there is likely to be confusion, and at other places the term is used, inconsistently, to refer to any domain name (E.g. 2.11.6).

The word 'namespace' already has a wide variety of meanings and contexts in computing. Adding another is likely to confuse people. Domain names are not about computing, and have a wider meaning. auDA might reconsider this attempt to rename a component of the global DNS.

- **Reserved names:** This is a definition of names that may be used "except in certain circumstances". The latter term does not sit readily with the objects in 1.3. What circumstances? Who decides?

Missing definitions

Unless it is proposed that the concept of open and closed 2LDs should be abolished, these terms need to be defined:

- Open domain
- Closed domain

If it is intended to abolish these categories of domains, then this should be as a result of a consultation process.

3.2 Part 2 - Licences

As noted above, it would be useful to specify which of the current policies is superseded by this section, by reference to the lists above and in particular that at <https://www.ada.org.au/policies/index-of-published-policies/>. Alternatively, the current list available online could be referenced here, and updates to include an indication of which policies have been superseded and by what, as it does now; something to be done in the interests of transparency (object 1.3.1(1)).

This submission does not include comments on all sections of the draft Licensing Rules.

3.2.1 Section 2.4 - Eligibility and Allocation Criteria

In 2.4.4(2)(b) the poor definition of acronym given in the definitions above would mean that only an acronym could be used, but not an initialism. It is necessary that the definition be changed so that all terms made from the initial letters of a string of words are eligible, regardless of whether an acronym or initialism. Otherwise, bhp.com.au and anz.com.au would not count as acronyms, or, to give an education example, ggs.vic.edu.au for Geelong Grammar School.

Section 2.4.4(2)(e) dealing with requirements for a com.au or net.au name is very broad.

Also in 2.4.4(2)(e), the numbering of clauses is non-continuous - (vii) is not used. This may mean that something has been omitted in error, or may be a typo.

The use of the singular noun 'premise' is almost always defined as "A previous statement or proposition from which another is inferred or follows as a conclusion" or some similar definition. The use in 2.4.4(2)(e)(v) and other places is wrong. The singular of 'premises' is 'premises', not 'premise' - see <https://en.oxforddictionaries.com/definition/premises>. It is possible that the sense in which the word is used in these rules is a specialised legal sense; but in either case, it is inappropriate. The term is not defined in these rules but could be.

In 2.4.5(2)(a) org.au is given a wide scope as well in the exact match or synonym provision.

In 2.4.6 the current policy's assimilation of asn.au and org.au has been changed so that the eligibility criteria for the two are no longer identical. The changes are very slight - asn.au for some reason allows an unincorporated association as a qualification to hold a domain name, but org.au does not. asn.au cannot be based on the name of a trust. This may be an editorial error. There is a significant benefit in having identical requirements for the two second level domains.

The state and territory namespaces (2.4.8) represent the former community domains provisions. There is no indication of any intention or otherwise to change the current scope and role of community domains.

The edu.au namespace is mentioned in 2.4.10 in conjunction with the eligibility and allocation rules in a notional Schedule 1 to these Licensing Rules. The intention of the Licensing Rules in relation to the closed 2LD edu.au is unclear. This is not set out anywhere explicitly as a goal or outcome of the process, and in fact the role of the PRP was explicitly limited to open 2LDs. There has therefore been no consultation about the future role of the closed domains.

The prohibition on domain name monetisation in 2.4.11 and 2.4.12 for all domains other than com.au and net.au relies on the definition of domain name monetisation in 1.4. Any defect in that definition may flow through with unintended consequences to the prohibition in these sections of domain name monetisation in all domains other than two. However, the definition includes the term 'for the sole purpose of' so that an org.au domain (E.g. rat.org.au), which substantially was monetised, could also add a further purpose (E.g. to promote the purposes of the Rat Society) in order to avoid the charge of monetisation.

3.2.2 Section 2.5 - Domain Name Availability

The main effect here is in the prohibition of registering names which are "deceptively similar" to a namespace (i.e. the name of a 2LD). The term "a second level namespace in the .au ccTLD" is used. There is a definition of 'deceptively similar', which involves likelihood of confusing people and therefore has a high level of subjectivity.

3.2.3 Section 2.6 - Reserved Names

Note that in this section the term 'second level domains' is used in place of 'namespaces' and there is a need to rationalise the vocabulary used throughout the rules.

The reservation of names for future second level domains is included in 2.6.4 as a reason for their inclusion on a reserve list. The same clause appears to provide the "administrator of .au ccTLD" with a wide scope to reserve names for "operational purposes". In contrast to the proposals of the PRP, there is no time limitation on this reservation, or for that matter any indication of when auDA might start to reserve such names.

In its submission to the PRP it was proposed by the Digital Transformation Agency (DTA):

"Prior to the implementation of direct registration, we propose that a period of at least six months be allowed for additional 2LDs (both open and closed) to be considered. With the names reserved during the assessment process. Where a name is used as a 3LD, it should not become available for direct registration."

eDAC supports this proposal.

3.2.4 Section 2.8 - Internationalised Domain Name

If the scripts selected for internationalised domain names are based on Australian community groups and trading partners, then it would be more consistent to include the Devanagari script in which Hindi and some other languages of the Indian subcontinent are written.

3.2.5 Section 2.17 - Public Interest Test

Given that 2.16 provides for the suspension and cancellation of a licence for various reasons, including that it is in the public interest, this section includes a public interest test. However, the test is not

necessarily one of public interest, and still includes subjective criteria, such as 2.17.3(7) "the economic wellbeing of Australia".

3.3 Part 3 - Complaints

eDAC does not have comments to make on this section. However, it is not clear whether it is the intention of auDA that this section should apply to closed 2LDs.

3.4 Part 4 - Amendments and Transitional Provisions

Under 4.2, these rules may be changed by auDA (4.2.1), except that changes must be published on the auDA website at least 21 calendar days before the amendments come into effect (4.2.3), or, need not be published where this is deemed by auDA to be required to "protect the integrity, stability or utility of the .au domain" or to "prevent licences being issued for abusive or speculative reasons" (4.2.4).

These are unsatisfactory provisions, for several reasons:

1. There is no provision for notification to registrants of changes, whether significant or not, other than through notification on the website.
2. There is no provision for notification to registrars of changes, whether significant or not, other than through notification on the website; it is therefore very possible that a name may be registered in violation of any new provisions and the licence cancelled as a result, in accordance with 4.2.5.
3. There is no process for public consultation regarding significant changes to the Licensing Rules, as has previously been the case in the event of significant changes.
4. There is no provision for information to be provided in conjunction with notification of changes, such as the reasons for the change, the implications of the change, and any process for objection to the changes.
5. There is no provision for Board approval of changes to the rules prior to their enactment.
6. The key terms in this clause are not included in the list of definitions. Those terms not defined include "integrity, stability and utility" and "abusive" and "speculative". Given the general nature of these terms and their rather subjective nature, the limitations in 4.2.4 provide little assurance.

4.2.2 refers to Schedule 1 of the Rules, and this schedule apparently relates to the edu.au closed second level domain. This domain currently has a status like gov.au and CSIRO.au as a closed second level domain governed under auDA by its own provisions and subordinate management body, eDAC.

eDAC is itself representative of the Australian education sector, comprised of representatives of each part of that sector. By contrast, the term "appropriate education authorities" has no clear meaning, and should be changed to become a reference to the edu.au Domain Administration Committee. There is no single national education authority, but each of the nine Australian jurisdictions has its own - hence the creation of eDAC.

4.2.4 includes an error, referring to a provision of 4.2.2 when in fact the provision is in 4.2.3.

4 .au Namespace Implementation

The comments below are related to the numbered sections of the draft Rules.

The general desirability of direct registration under .au has been adopted as a policy by auDA in a long process stemming from the 2015 Policy Panel and decisions of the auDA Board that followed the recommendations of that panel in December 2015.

eDAC believes that the process proposed by the auDA Board is a relatively fair one and, under the circumstances, the best available. However, eDAC makes the following comments on the draft .au Domain Administration Rules: .au Namespace Implementation.

4.1 Section 1.3 - Commencement

Priority Status 1 names under the rules have an application period from 1 October 2019 to 1 April 2020 and priority registration is ongoing. However, the Board of auDA may specify an end date for priority registration. eDAC believes that the process should be ongoing - that is, there should be no end date.

eDAC believes that proposed cut-off dates have been too early, and suggests that they would have excluded a significant number of registrants with claims to a directly registered domain. We propose an exemption from the cut-off date for all edu.au domains registered between the cut-off date and the commencement of the priority allocation period.

A further issue relates to the case of domain names currently managed outside the central .au registry. In particular, this applies to education.tas.edu.au. The creation of the new child zone was deliberately delayed to coincide with the transition to the new registry operator in July 2018, and it would be unfair to penalise the Tasmanian Department of Education for this. The creation of education.tas.edu.au was approved by eDAC in November 2017, prior to the proposed cut-off date.

4.2 Section 1.4 - Definitions

It would be best if the same definitions could be used for both sets of rules - these rules, and the Licensing Rules.

- **.au namespace:** It has been noted in comments on the Licensing Rules that nomenclature in referring to second level domain names is inconsistent and confusing.
- **Cut-off date:** This will be set by the Board and has not yet been set. The cut-off date will determine the categorisation of names as priority 1 and priority 2. It is important to the edu.au 2LD that this be known as soon as possible, so that registrants may determine a strategy in relation to direct registration. eDAC believes that the proposed cut-off date of 4 February 2018 is too early.
- **Eligible licence:** The list of second and third level domains (namespaces) under this definition does not include domains at the fourth level, and eDAC believes that this is an error and should be remedied. Names registered at the fifth level must be able to be eligible to register names directly, or otherwise the principle of no hierarchy of rights is breached in a major and unjust way. There are individual schools, for example, at both the fourth and fifth levels, and both should have the same opportunity to directly register their name under .au.

It needs to be made clear that there are domain name licences stored in the central .au registry that are legitimately registered at the fifth level. For edu.au, these are school domain names registered under the schools.nsw.edu.au and education.tas.edu.au child zones. eDAC believes that it is unfair that domain names of some schools would be excluded from the same rights to direct registration held by thousands of other Australian entities. To treat all registrants fairly, all domain name licences stored in the central .au registry should be able to participate in the priority allocation. Why should a Tasmanian school be any different from a Victorian school?

- **No hierarchy of rights:** The definition is fine, but the rules do not achieve this. Fifth level names are of lesser value than third and fourth level names.

4.3 Section 1.5 - Implementation Process

The DTA made this comment in its submission to the PRP Final Report:

"All holders of domain licences in the central .au registry, regardless of the level the domain is registered at, should be entitled to participate in the priority allocation and conflict resolution process for direct registration.

Further, there should be an opportunity for domain names that are currently managed outside of the central .au registry ... to be transferred into the .au registry prior to the start of direct registration. The creation date should reflect the date the domains were first registered in their respective systems, and therefore be entitled to participate in the priority allocation and conflict resolution process for direct registration."

eDAC strongly supports this viewpoint.

Anomalies are likely to be caused through non-inclusion of domain names in the Registry Data, and this is likely to be the case where there is management outside the Registry Data by another entity. The example given in 1.6.3 is of a sub-domain of the 3LD nt.gov.au. There are also examples of names outside the Registry Data within edu.au.

The consequence of external management, outside Registry Data, is that entities will not be eligible to apply for direct registration. However, in the case of the example given, justice.nt.gov.au would be able to register a name within the Registry Data and apply in either Category 1 or Category 2 for a directly registered name. Registry Data is important because the data is the sole criterion for determining priority status (1.8.2).

4.4 Section 1.7 - Application Process

Note that there are two categories of fees mentioned, including a fee for application for priority status (1.8.1) and an annual application renewal fee if there is no agreement on who will be the Designated Person. The fees appear to be set by auDA (1.9.13). eDAC suggests that there is a need to clarify likely fees, to assist registrants in planning strategies, and to create realistic expectations.

4.5 Section 1.10 - Terms and Conditions

Note that these include the requirement that all applications for priority status are subject to auDA Published Policies in force before the auDA Licensing Rules, the 2016-02 edu.au Registration Policy, the gov.au Domain Name Guidelines, and the auDA Rules. It is not clear in this clause the extent to which the auDA Rules will supersede the other documents.

1.10.2 specifies that there are five documents relevant including:

1. the edu.au policies
2. the gov.au policies
3. Domain Eligibility and Allocation Policy Rules for the Open 2LDs (2012-04)
4. Guidelines on the Interpretation of Policy Rules for the Open 2LDs (2012-05)
5. Policy Rules and Guidelines for Community Geographic Domain Names (2008-04).

The implicit warranties are very extensive, numbered from 1-12 with some subordinate numbering as well.

4.6 Section 1.12 - Cancellation of Licences

The comment is made that the likely outcomes of this very large process are not known at this stage, but could be substantial. For example, it is possible to envisage widespread cancellation of licences as part of this process.

4.7 Section 1.13 - Complaints about Eligibility

The same comment can be made here, since this is an invitation to third parties to complain about eligibility of other registrants, as part of the process involved in creating the new names. Complaints are to be made under Part 3 of the new Licensing Rules.

Appendix 1 - Proposed Reserved Names

In its previous submissions to both the 2015 Names Policy Panel and 2017 Policy Review Panel, eDAC set out a strong case for certain names to be reserved in the public interest.

In these submissions, eDAC objected to the granting of any direct registration that involved the use of generic words relating to education and training. This was done on the basis that the registration of such names in a space that did not have tight eligibility and allocation criteria, would likely to pose a threat to the edu.au domain and ultimately its long-term sustainability, particularly if they are used as a vehicle for fraudulent or sharp business practices that adversely reflect on the education and training sector.

The submissions also highlighted the risk, in education and training as well as in other spheres, of the emergence of de facto (private or unofficial) registries based on such domains.

eDAC proposed that policy for .au direct registration prohibit the registration of such domain names, and that it include a list of generic education and training words covered with a mechanism for eDAC to advise auDA of other generic words that should be added to the list.

As such, eDAC also proposes that the following names should be reserved as second level domains, and also reserved by auDA on the grounds that the names pose a risk to the integrity and stability of the DNS as set out in 2.6.4(1) of the draft Licensing Rules.

- school.au
- tafe.au
- education.au
- rto.au
- training.au
- college.au
- university.au

Furthermore, in section 2.17 the Licensing Rules deal with a public interest test and seek to define the public interest; such a definition is also necessarily fairly subjective. Public interest is defined in 2.17.3 and in addition to reasons of law, the concept of public interest includes a range of other factors including proper administration of government, consumer protection, the economic wellbeing of Australia, and the integrity, stability and security of the Domain Name System. These are all factors that apply to the use of generic terms in education contexts, and they are the reasons for excluding generic terms from edu.au names.

eDAC suggests that this should also apply to direct registrations. eDAC proposes that this section should be used to limit the application of generic names in the education area, as is done in edu.au. In cases where particular issues are raised, the advice of eDAC and education stakeholders should be sought by auDA.

10 May 2019

By Email: policies@auda.org.au

Cameron Boardman
CEO
c/o .au Domain Administration Ltd
PO Box 18315
MELBOURNE VIC 3001

Dear Cameron

Submission - Reform of Existing Policies & Implementation of Direct Registration

1. This submission is made in response to the auDA Management Response to the 2017 Policy Review Panel Final Report and Recommendations (**auDA Management Response**) and the Proposed .au Namespace Implementation Rules (**.au Implementation Rules**) and proposed licensing rules (**Licensing Rules**).
2. REA Group Limited (REA) has made previous submissions on the subject of "direct registration" to auDA's Policy Review Panel (PRP) on 2 March 2018, 8 November 2018 and 9 April 2019.

Implementation of .au direct registration

3. REA submits that the proposed ".au" direct registration should not be implemented. There is currently no objective evidence showing a net benefit to industry. auDA has not completed any independent cost-benefit analysis which would justify the implementation of .au direct registration. REA has already set out its views on the ACIL Allen Report in our letter dated 9 April 2019 which overstated the benefits and understated the costs of direct registration.

.au Implementation Rules

4. If auDA proceeds to approve the launch of .au direct registration, despite the absence of any evidence of a net benefit to the economy, REA submits that it must be done with adequate safeguards for existing domain name owners. First and foremost, the implementation rules must allow for an indefinite lock down of conflicted names, while a conflict remains ongoing.

Conflicted names process

5. Under auDA's proposed .au Implementation Rules, two or more competing applicants who registered their names before 4 February 2018 (example.com.au and example.org.au) will be able to apply for registration of the corresponding direct registration (example.au). If they are unable to determine who should get the name, the corresponding direct registration (example.au) will remain locked indefinitely, provided that the competing applicants maintain eligibility for their underlying 3LD and pay a one off or annual fee for the conflicted names process.
6. Clause 1.3.3 of the Implementation Rules requires auDA to review the .au Implementation Rules 12, 18, 24 and 30 months after the commencement date. 1.3.4 allows auDA "at its sole discretion" to "specify an end date for the Priority Registration of Priority Status (Category 1) domain names". This would allow auDA to put an end to indefinite conflicts, such as the conflict between example.com.au and example.org.au above. auDA has not specified how the deadlock between two conflicted applicants would be resolved if a sunset

date for the conflicted names process were specified and competing applicants had not reached agreement by that date.

7. REA is particularly concerned with the addition of clause 1.3.4 to the .au Implementation Rules given the PRP's prior proposal in February 2018 to resolve conflicts through a random lottery model. REA would also be concerned with any attempt to break deadlocks through an auction process or first come, first served allocation for the underlying .au direct registration.
8. It is critical to the integrity of any new .au namespace that the interests of existing registrants and of Australian consumers are protected. REA submits that clause 1.3.4 must be deleted and auDA should commit to keep conflicted names locked indefinitely, for so long as two competing applicants cannot reach agreement.

Cut off date – transfer date or creation date

9. REA understands that participation in the conflicted names process will be based on the creation date of a domain name, rather than the most recent transfer date.
10. There is some evidence that parties are acquiring existing .id.au and .net.au registrations, which were originally registered prior to the cut off date, for the sole purpose of monetising the .au direct registration conflicted names process. REA submits that this is likely to lead to an increased number of indefinite lock downs. REA submits that auDA should establish safeguards to prevent this conduct, including by cancelling tokens to participate in the conflicted names process where there is evidence of bad faith conduct.

Conflicted names process – application fee

11. The lockdown process for conflicted names was designed by the PRP to prevent downside risk for existing registrants who may have invested in development and use of their 3LD and who would be harmed by the random allocation of a corresponding .au direct registration to another party.
12. REA understands that under auDA's objects, in implementing .au direct registration and the associated conflicted names process, auDA will need to balance the following objectives:
 - a. maintain and promote the operational stability and utility of the new .au namespace and enhance the benefits of the internet to the wider community;
 - b. ensure a cost effective administration of the .au ccTLD and its sub-domains; and
 - c. establish appropriate complaints handling and dispute resolution processes to provide for conciliation or redress of grievances on matters associated with the administration of the .au ccTLD.
13. REA submits that it is appropriate to set the application and maintenance fees for the conflicted names process, having regard to the considerations above.
14. REA understands that there are up to 90,000 .au direct registrations which could be subject to a conflicted names process (assuming that two or more competing applicants apply for the corresponding .au).
15. A low or nil application fee may incentivise conflicted 3LD registrants to participate in the conflicted names process for undeveloped names which have little value to them or due to a perception that they can monetise tokens for conflicted names. This could lead to unnecessary conflicts where there is no real commercial downside to one or both parties. A higher application fee will motivate existing domain name registrants to only participate in the conflicted names process for registered domain names where they perceive a genuine downside commercial risk if the conflicted name is registered by another 3LD registrant.

16. auDA will need to determine whether participation in the conflicted names process should be by one-off application fee or a recurring annual fee. It is likely that a higher one off application fee will lead to entrenched positions where there is no motivation for conflicted applicants to reassess whether a genuine conflict continues to exist as time passes. A recurring annual fee model may be more attractive because it will force conflicted applicants to reassess, on an annual basis, whether they perceive that an ongoing conflict exists which may adversely affect their organisation.
17. REA submits that a refundable upfront fee has the same drawbacks set out at paragraph 15 above and may incentivise 3LD holders to engage in the conflicted names process due to a perception that there is “nothing to lose, everything to gain” rather than focusing resources on conflicts that are driven by genuine commercial imperatives.
18. If auDA chooses to implement a moderate annual fee for the conflicted names process, this could be used to fund (i) any additional administration costs associated with the conflicted names process, and (ii) a voluntary mediation service among conflicted applicants. This may help to reduce conflicted names over time and maximise the utility of the new namespace. auDA might consider introducing such a service, 24 months after the commencement date, in order to break deadlocks which have not been resolved through arms’ length negotiation.

Internationalised Domain Names

19. REA understands that auDA intends to introduce internationalised domain names (IDNs) in the .au ccTLD in Chinese (Simplified), Korean, Japanese, Arabic and Vietnamese.
20. auDA’s PRP sought feedback on the proposed introduction of IDNs at its roadshow in February 2018. Anecdotal feedback at the PRP forums suggested there was no appetite for the introduction of IDNs. There has been no public consultation on the proposal to introduce IDNs since that time.
21. REA submits that the decision of whether or not to introduce IDNs should be decoupled from the existing auDA reform agenda. IDNs will impose a significant additional cost impost on industry. In particular, most brand owners will seek to defensively register IDNs for key brands and corporate names in order to minimise the risk of IP infringement, phishing and other cyber security breaches. It is common for scammers and cyber criminals to use misspellings and variants of well-known domain names in order to commit fraudulent activity. The introduction of IDNs will increase the range of this conduct.
22. China remains the most prevalent national market for counterfeiting activity. It is likely that the introduction of IDNs will increase brand protection costs for brand owners who will feel compelled to defensively register Chinese (Simplified) variations of key domain names.
23. Before IDNs are introduced it is imperative that auDA liaise appropriately with brand owners, cyber security experts and local community groups to assess the likely benefits (whether economic or accessibility) and weigh these against the costs (including brand protection costs and the potential for increased fraudulent activity). REA submits that it would be irresponsible to launch IDNs without this consultation.

Misspellings Policy

24. We understand that auDA proposes to abolish the misspellings policy. REA submits that the misspellings policy is an economical and effective method for brand owners to prevent registrations of domain names which are intended for wrongful diversion of traffic, phishing or other fraudulent activity.

25. REA disagrees that auDA is engaging in content decisions by determining whether a domain name is an obvious misspelling of an entity, personal or brand name.

Yours faithfully,



Sarah Turner
General Counsel & Company Secretary
REA Group Limited