

auDA Management presentation on policy consultation

May 2019



Principles

- Promote principles of competition, fair trading and consumer protection (DOCA ToE)
- Maintain and promote the operational stability and utility of the .au ccTLD (auDA const.)
- Minimise confusion from policy changes
- Minimise uncertainty during implementation
- Differentiate eligibility for .au from eligibility for .com.au
- Recognise that .com.au is a commercial space, which supports a range of business models to generate revenue – including domain monetisation
- auDA is not a website content regulator – that is the role of ACMA and ACCC
- Definitions of terms for auDA policies should reflect definitions from current Australian legislation
- Where possible existing policies should be simplified and modernised to reflect current Australian legislation



Results of Consultation

- Facebook and Instagram advertisements reached 1.4 million
- 1.5 million impressions of shorter names video – with 18.7% watching it to end
- 11,808 unique visitors to <https://shorternames.com.au/> website
- 1,750 completed the website survey (15% conversion rate versus 2-4% industry standard)
- 17 unique written submissions received (most registrars and domain name investors submitted a *pro forma* response)



Public Consultation Feedback

Website survey results

1. Would you apply to get a shorter .au domain name if they are introduced?
2. We propose that to register a domain name ending in .au, you must have an Australian presence. Do you agree with this?
3. We proposed to give existing domain licence holders in .au priority to apply for their corresponding domain name in .au for 6 months from launch date. Do you agree with this?

	Yes	No
Question 1	86%	14%
Question 2	94%	6%
Question 3	83%	17%



Summary of feedback – licencing rules

- Strong support for new licensing rules including - .au eligibility rules, public interest test, and protections for deceptively similar
- A registrar recommended aligning allocation rules for .com.au / .net.au with allocation rules for .au, whilst retaining the .com.au/.net.au eligibility restrictions
- Limited opposition to changes such as:
 - Removal of misspelling list (was a free complaint option for intellectual property holders, rather than using auDRP which has fees)
 - Internationalised Domain Names 3 submissions against
 - Sub-licencing – domain investors want the option to sub-licence



Summary of feedback – direct reg implementation

- Limited remaining opposition to direct registration - 4 submissions
- Single submission supporting an auction to allocate direct .au names rather than a priority process
- One corporate submission suggested indefinite lock-down if parties don't reach agreement
- Most supportive of an annual renewal fee – although domain name investors (vote.com.au) concerned with cost if no benefit
 - Propose creating a landing page that lists the parties still in contention for each name, that will have links to the parties' websites so they can receive and measure traffic
- Registrars oppose credits for unsuccessful applications given there are costs to validate each applicant for the direct registration
- May need some mechanisms to update details of domain names used for eligibility during the priority application period.



Changes to policies posted on 15 April 2019

Summary of changes – Direct Reg implementation

- No changes have been made since the 15 April 2019 version
- Retained annual application renewal fee – strong support, and a landing page can be provided with links to negotiating parties' websites so that they can receive and measure traffic



Summary of changes – Licensing Rules

- Updates to allow addition of new .edu.au rules in future that align with .au framework
- Aligned .com.au and .net.au allocation rules to those for .au, which is consistent with the ASIC rules for registering business names (see Regulatory Guide 235: <https://download.asic.gov.au/media/1247075/rg235.pdf>). The focus will remain on ensuring that a .com.au/.net.au registrant is an eligible commercial entity (i.e. with a valid ABN/ARBN or ACN number), but they will not be restricted in the name they choose other than that it can't be on the reserved list, and not already registered as a domain name to someone else. This would result in no restrictions on use, other than those prohibited by law.
- Increased the time available for registrants to change their details after a licence sale agreement is signed to 28 days.
- Added details of external registrant review process for auDA compliance decisions.



ccTLD comparison for name allocation

- None of the following have name allocation rules for commercial entities:
 - .ca (Canada)
 - .co.uk and .uk (United Kingdom)
 - .com and .us (United States)
 - .co.nz and .nz (New Zealand)
 - .de (Germany)
 - .fr (France)
- There is no evidence that the absence of allocation rules has caused harm in those name spaces.



ASIC Business Name availability tests

- From:

<https://asic.gov.au/for-business/registering-a-business-name/before-you-register-a-business-name/business-name-availability/business-name-availability-tests/>

- Is not identical to a name that is already registered to someone else
- Is not undesirable for registration
- Does not includes any restricted words or expressions



Issues to be resolved at June Board meeting

- Wholesale pricing for the application fee for priority registration
- Wholesale pricing for the .au domain registration fee.
- Implementation timing
 - E.g. Direct registration – 1 Oct 2019
 - IDNs
 - propose not before 1 July 2020
 - start with language with highest demand
 - consider comparable Australian trademark data: Chinese (16,000), Japanese (2,300), Arabic (1,000), Korean (700)



Credits for registrant licence transfers

- Little support amongst registrars for providing credits as part of normal domain name registrant licence transfers
- Usually value of remaining licence period is immaterial compared to the sale price of a domain name licence.
- There is a case for considering bulk transfers when a portfolio of names is sold between parties



Further Consultation

- Registrar Policy and agreement
 - Draft for approval at June Board meeting, and then post for public comment
- edu.au schedule

