

Policies

Policy Reviews

Panels and Committees

2017 Policy Review Panel

auDRP

auDRP Overview

auDRP Current Proceedings

auDRP Archived Proceedings

Privacy Policy

Reserved List policy: Notice and FAQ

In Development: Second Level .au Domains

FAQ: Second Level .au Domains

Priority Allocation Process

Priority Status Tool Prototype

Major Disaster Policy FAQ

Home | Policies | Panels and Committees | 2010 NPP Meeting - 3 February 2011

2010 NPP Meeting - 3 February 2011

Fourth Meeting
3 February 2011, 2.00-5.00pm
Maddocks, Melbourne

Present:

Philip Argy, Darrell Burkey, David Goldstein, John Graham, Robert Gregory, Lisa Jarrett, Simon Johnson, Erhan Karabardak, Lisa Lennon, Jo Lim, Kimberley Lowton, Joshua Rowe, Nancye Stanelis, Derek Whitehead, Miguel Wood

Teleconference:

Tristan Kathage (DCBDE), Haig Kayserian, Amin Kroll, David Lee (DCBDE), David Lye, Jamie Murphy, Peter Nettlefold (DCBDE)

Apologies:

Lujia Chen, Graham McDonald, George Pongas, Helen Richards

Actions:

- DW and JL to circulate draft second report to Panel

Discussion:

1. Confirmation of 4 November minutes

The minutes were confirmed.

2. Public consultation outcomes

The Panel's first consultation paper was released on 26 November 2010 and the deadline for comments was 21 January 2011. The Panel received 30 submissions and 177 complete responses to the online survey ([summary attached](#)).

The Panel noted that respondents appeared to be broadly representative of the community, and there was no evidence of an organised response campaign.

The Panel also noted that no major new issues were raised by respondents, and that overall, there seemed to be general acceptance of the current system.

Panel members considered the public comments relating to Part 1 (excluding 1C) and Part 2 of the discussion paper. The remaining issues will be considered at the next Panel meeting in March. [Back to top](#)

Issue 1A – Registrants must be Australian

The Panel noted that the overwhelming majority of public comments were in favour of retaining the current policy, that registrants must be Australian or registered to trade in Australia. Reasons given for this view related to maintaining the perceived integrity of .au, consumer protection and support for Australian businesses online, especially small business.

It was suggested that negative views were mostly based on a lack of knowledge of how other ccTLDs work, and a "fear of the unknown". Panel members agreed that, whilst that may be the case, nevertheless the consultation reflected a very strong community acceptance that ".au means Australian".

The Panel discussed whether consideration should be given to foreign traders who don't have the resources to register an ARBN or Australian trade mark. Most Panel members thought that the barrier to entry is not high for non-Australian traders who have a genuine intention to conduct business in Australia, and that there are persuasive consumer protection reasons to prevent non-genuine traders from taking advantage of the perceived integrity of the .au domain.

The Panel agreed to recommend that the current rules be retained.

Issue 1D – Two year licence period

This was another issue on which the public consultation produced a clear outcome. The majority of respondents strongly supported a move away from the current fixed 2 year licence to allow for a wider range of licence periods..

Respondents were given the option to select preferred licence periods from 1 to 5 years, and the results were fairly evenly spread. Panel members agreed that a shorter period would be attractive for start-ups or personal use domain names, while large businesses and trade mark holders would probably prefer a longer period. The key point is that the system should be able to provide registrants with greater flexibility and choice.

It was noted that a significant number of respondents suggested a 10 year licence period. Panel members did not support licence periods over 5 years, due to the higher risk that, over a longer time period, domain names would lie dormant and registry data would become out-of-date. To that end, Panel members agreed to suggest that a regular WHOIS data verification check should be introduced along with the change to licence periods.

Panel members acknowledged that changing the licence period would have significant cost and revenue implications for auDA and the industry, and that implementation may have to be delayed until the next registry licence period in 2014. It was agreed that the Panel's role is to recommend changes on policy principle grounds, and it is up to the auDA Board to consider the implementation issues.

The Panel agreed to recommend that registrants should be able to license a domain name for a 1, 2, 3, 4 or 5 year period.

1E Leasing of .au domain names

Public comments on this issue were fairly evenly split between those who did not see any problem with leasing, and those who thought it would undermine .au policy rules.

The Panel noted that corporate structure-related leasing arrangements (eg. between holding and subsidiary companies) are already accommodated within the current policy. The issue is whether or not leasing arrangements between unrelated entities would or should be acceptable under .au policy, particularly where the registrant has registered the domain name under the close and substantial connection rule.

Jo Lim advised that auDA's current position (unpublished) is that the registrant remains responsible for the domain name, regardless of any arrangement that it may have with a third party to use the domain name; as far as auDA is concerned, a lessee does not have any rights in relation to the domain name. For example, if auDA receives an eligibility complaint about the domain name then it will investigate whether or not the registrant is eligible, and if it determines that the registrant is not eligible then it will delete the domain name regardless of whether a third party is using it.

Panel members agreed that any attempt to codify or regulate leasing arrangements would be difficult and administratively burdensome.

The Panel agreed to recommend that there should not be any express recognition of leasing in the policy rules, however auDA's position on leasing should be clarified and published, and there should be a strong emphasis on the requirement that the registrant continue to remain eligible to use the name.

1F Single character domain names

The majority of public comments were against the release of single character domain names. The main objections raised were the difficulty in determining eligibility for a single character domain name, and suspicions that it would be merely a revenue-raising exercise for auDA and the industry.

The Panel agreed that as there is no longer any technical restriction on single character domain names, there would need to be compelling policy reasons why these domain names should not be released.

Panel members acknowledged that determining what would meet the eligibility rules for a single character domain name would be challenging. There are a few companies or brands that are known by a single letter or number (eg. the telecommunications company Three, the television networks Seven, Nine and Ten) . But would it be acceptable, for example, for a registrant to say that they are eligible to register "a.com.au" because their name starts with or contains the letter "a"?

There was also some discussion of different release mechanisms, such as auction or ballot, which auDA has used in the past for generic and geographic domain names. Panel members were also uncertain whether single character domain names would have any significant market value.

As with the licence period issue, the Panel confirmed that its role is to recommend changes on policy principle grounds, and it is up to the auDA Board to consider the implementation issues.

The Panel agreed to recommend that single character domain names be released, in the absence of any compelling policy reason to maintain the restriction. However, it should be made clear that registrants must meet eligibility criteria for registration.

1H Direct registrations under .au

The majority of public comments were also against allowing direct registrations under .au. People thought that the current 2LD hierarchy is well-known and understood, and introducing direct registrations would cause unnecessary confusion for little public benefit.

Panel members acknowledged arguments that direct registrations have been successfully introduced in other ccTLDs, but it was agreed that such a major change to the Australian DNS would require a much stronger level of support from the community than had been demonstrated through this consultation process.

Josh Rowe referred Panel members to a research paper he wrote on this issue at <http://www.auda.org.au/pdf/sub-rowe.pdf>, which he submitted to the 2007 Names Panel.

The Panel agreed to recommend that direct registrations under .au not be allowed at this time.

1B org.au – “special interest club” criterion

Public comments clearly affirmed the current policy that informal clubs and groups should be allowed to register org.au domain names. Respondents also generally endorsed the current enforcement approach towards registrants who breach the policy.

Panel members considered that it would be useful to amend the policy to include a clearer description or definition of “special interest club”. One option, previously discussed by the Panel, would be to use the legal definition of an unincorporated association: “an association, society, club, institution of body formed or carried on for any lawful purpose and that has not less than five members”.

The Panel agreed to recommend that the “special interest club” eligibility criterion for org.au domain names be more clearly defined.

1G Domain names for personal use

Public comments were generally in favour of making it easier for individuals to register .au domain names for personal use. Whilst some comments argued for removing all restrictions in com.au, most respondents were in favour of maintaining the commercial nature of com.au and allowing individuals to register in other 2LDs. Some respondents suggested creating a new 2LD, which is outside the scope of this Panel.

The Panel agreed that there is a public benefit in preserving the different purposes of the various 2LDs, and that id.au is the most appropriate 2LD for individuals to register domain names. Panel members supported a relaxation of the close and substantial connection rule in id.au to allow people to register domain names that refer to personal hobbies and interests. It was noted that id.au would provide a controlled environment to test the policy relaxation, with a low risk of wider harm.

It was also noted that relaxing the policy rules might stimulate some interest and growth in the relatively unpopular id.au 2LD. Some Panel members thought that people still would not want to register an id.au domain name, however it was acknowledged that the key point is to make the domain names available, if not necessarily attractive.

The Panel agreed to recommend that the close and substantial connection rule for id.au be relaxed to include domain names that refer to personal hobbies and interests.

Part 2 Reserved List Policy

The Panel noted that relatively few comments were received in relation to the Reserved List Policy, and they were generally supportive of the current policy approach.

The Panel agreed to recommend that the current policy be retained, and updated as necessary to ensure consistency with Commonwealth legislation.

Next meeting:

Thursday 3 March 2011, 2-5pm – Melbourne

About auDA

Our Organisation
Our Services
Membership
Community Programs
Careers @ auDA
Constitutional Reform FAQ
Quarterly Stakeholder Reports

Help Centre

Domain Name Registrants
Website Beginners
For Registrars & Resellers
Complaints & Disputes
Registrant Transfers

Policies

Policy Reviews
Panels and Committees
auDRP
Privacy Policy
Reserved List policy:
Notice and FAQ
In Development: Second Level .au Domains
Major Disaster Policy FAQ

Industry Information

.au Domains
Registry
Registrars
Resellers
Co-marketing and
Innovation fund

Public Comment

Recently closed
consultation

Membership

[News](#) 3

[Contact auDA](#) 5

[WHOIS Lookup](#)

[%](#) [\\$](#) [1](#) [2](#)