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2017 Policy Review Panel

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2010 NPP Meeting - 7 April 2011

Sixth Meeting
3 March 2011, 2.00-5.00pm
Maddocks, Melbourne

Present: Philip Argy, Darrell Burkey, Lujia Chen, David Goldstein, John Graham, Robert Gregory, Simon Johnson, Erhan Karabardak, Lisa Lennon, Jo Lim, Kimberley Lowton, Jamie Murphy, George Pongas, Joshua Rowe, Nancye Stanelis, Derek Whitehead, Miguel Wood

Teleconference: Tristan Kathage (DCBDE), Haig Kayserian, Amin Kroll (left 3.30pm), David Lye, Graham McDonald (left 4.00pm), Peter Nettlefold (DCBDE), Vaughan Renner (observer, Westlake Consulting)

Apologies: Lisa Jarrett, Helen Richards

Actions:

- JL to circulate drafting suggestion for domain monetisation to Panel for consideration
- JL to circulate draft recommendations for Panel approval.

Discussion:

1. Confirmation of 3 March minutes

The minutes were confirmed.

2. Further consideration of Part 3 Domain Monetisation Policy

The Panel resumed discussion of the domain monetisation policy.

The Panel first discussed whether to incorporate domain monetisation into existing Published Policies, and abolish the separate policy, or whether to retain a separate domain monetisation policy.

The Panel agreed to recommend that the existing domain monetisation policy should be abolished, and domain monetisation should be incorporated into existing Published Policies. Panel members expressed a preference for keeping the main policy rules relatively simple and straightforward, and providing more detailed explanation in accompanying guidelines.

In particular, the Panel agreed to recommend a concise addition to the rules for com.au and net.au in the existing top Domain Name Eligibility and Allocation Policy Rules for the Open 2LDs (2008-05), along the lines of an amendment previously circulated by Philip Argy.

The Panel agreed that other explanatory elements of the existing domain monetisation policy could be incorporated as appropriate into the Guidelines for Accredited Registrars on the Interpretation of Policy Rules for Open 2LDs (2008-06). The Panel noted that the Guidelines are a Published Policy and have the same legal status, in terms of enforcement.

The Panel considered changes to the detail of the current domain monetisation policy proposed by Erhan Karabardak. It was agreed to remove reference to the term "domainer". However, the majority of Panel members did not agree to other proposed changes, such as removal of the restriction on registering entity, personal and brand names, or providing a defence for registrants who use automated content feed services such as Google AdSense.

The majority of Panel members supported the view that registrants should be allowed to pursue various domain monetisation models, provided that the overall policy logic and integrity of the .au domain space is not undermined. For this reason, there was consensus agreement to maintain the two conditions of use:

- a) the content on the website to which the domain name resolves must be related specifically and predominantly to subject matter denoted by the domain name; and
- b) the domain name must not be, nor incorporate, an entity name, personal name or brand name in existence at the time the domain name was registered.

During the discussion, it was proposed that rather than try to define the term “domain monetisation”, it would be sufficient to describe permissible practice in the terms of the clarification above of the close and substantial connection rule. Permissible practice could be described as “registering a domain name where the predominant purpose of the registration is to obtain revenue from that domain name.” This would help to address the current enforcement difficulty, by ensuring that the policy is not technology-specific. The majority of Panel members agreed with this approach, subject to seeing a drafting suggestion from Jo Lim.

Erhan Karabardak, David Lye and Simon Johnson did not agree with the majority view.

At the conclusion of the discussion the Chair thanked the Panel for their participation, and noted that by its nature – requiring two-thirds consensus – the Panel process tends to result in incremental change rather than major change. At this stage, there did not appear to be consensus support among Panel members for changes to the domain monetisation policy other than those noted above.

Reserved List – State/Territory names

Jo Lim advised the Panel that, currently, all the names and abbreviations of Australian states and territories are on the Reserved List. They were first placed on the list as part of the general reservation of geographic names, but were not released when all the other geographic names were released in 2005. At the time, auDA took the view that they are “names of national significance” and therefore should continue to be reserved from general use.

Jo Lim further advised that auDA has been contacted by a state government agency which wants to register its state com.au domain name. The Reserved List Policy does not contain an approval process for release of state/territory names, unlike other names on the list.

There was general discussion of the special nature of state and territory names, who would be the appropriate entity to register them, and who would have authority to approve the registration.

The Panel agreed that 3 options should be put in its draft recommendations paper:

- Option A is that the names and abbreviations of Australian states and territories should remain on the Reserved List, but that they could be released on application provided that the proposed registrant was eligible to use the name under normal policy rules, and that they had received permission from the relevant state government authority (eg. Premier or Attorney-General’s Department).
- Option B is that the names should be treated in the same way as other geographic names and released from the Reserved List; and that the process for releasing them should be determined by auDA.
- Option C is that the names should remain on the Reserved List, and that no provision be created for registration of the names.

Most Panel members supported Option A.

3. Review of Draft Recommendations

The Panel considered the draft recommendations paper and made the following changes:

- 1C Policy enforcement – note that the Panel’s views on this issue might be better informed if it had access to detailed complaints statistics, eg. how many complaints involve unique registrants versus “repeat offenders”.
- IF Single character domain names – remove examples of companies that might be eligible.

Next meeting:

Thursday 2 June 2011, 2-5pm – Melbourne

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