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

2010 NPP Meeting - 7 October 2010

Second Meeting
7 October 2010, 2.00-5.00pm
RACV Club, Melbourne

Present:

Darrell Burkey, Lujia Chen, David Goldstein, John Graham, Robert Gregory, Lisa Jarrett, Simon Johnson, Amin Kroll, Erhan Karabardak, Haig Kayserian, Lisa Lennon, Jo Lim, Kimberley Lowton, David Lye, Graham McDonald, George Pongas, Helen Richards, Nancye Stanelis, Derek Whitehead

Teleconference:

Tristan Kathage (DCBDE), Peter Nettlefold (DCBDE), Miguel Wood

Apologies:

Joshua Rowe, Jamie Murphy

Actions:

• LC to circulate revised complaints statistics to Panel
• JL and LC to circulate next draft extended issues paper to Panel before next meeting

Discussion:

1. Items from Last Meeting

a. Draft minutes for first meeting, 14 September 2010

The minutes were confirmed.

b. Complaint Statistics

JL noted that the statistics may need to be re-checked.

The Panel considered the number of complaints fairly minimal given there are 1.76million .au domain names. Those on the Panel who represent the registrar industry noted that they manage and deal with a fair portion of complaints from customers in relation to policy breaches, and that resolving issues is about educating the internet end user about auDA policies.

Back to top

There was a mention of the role the edu.au Domain Administration Committee (eDAC) in the oversight of policy and administration of the edu.au, and how the committee has worked very well as a policy and complaints reference body.

c. Previous market research

The Panel noted the market research conducted in 2007.

2. Extended Issues Paper

a. Issue 1.1 Registrants required to be Australian (or licensed to trade in Australia)

The Panel looked at the various reasons why .au is restricted to Australian entities and individuals. It was noted that the requirement is historically based, and past auDA Panels have all confirmed the principle that ".au" means "Australian".

Panel members pointed out that often the choice of registering a domain name comes down to a business decision, and that there are some Australian companies that have intentionally chosen to register a .com to represent their brand (i.e. Telstra, Qantas) instead of an .au. It was further suggested that domain name extensions are essentially irrelevant given the increasing use of social networking media (eg. Twitter, Facebook).

The Panel noted that given the strong growth in the .au domain name space, there is no present need open up the space by allowing foreign entities to register .au domain names. It was felt that allowing foreign entities to register

.au domain names may cause significant administrative problems in entity verification and policy enforcement.

There appears to be a general consensus among the Panel that .au should remain restricted to Australian entities.

b. Issue 1.2 org.au eligibility criterion – "special interest club"

JL explained that following the 2004 Panel review, the eligibility rules for org.au and asn.au were relaxed to allow for a "special interest club" to register a domain name. The registrant is not required to have an official identifier, and must simply warrant that they are a "special interest club". The criterion was intended to be as broad as possible so as to incorporate a variety of special interest clubs and informal groups.

The Panel made the following suggestions to address the issue of people exploiting this criterion to register org.au domain names for illegitimate purposes:

• Remove "special interest club" criterion in the policy and relax the com.au and net.au rules to allow for both commercial and non-commercial entities
• Remove the criterion and require registrants to provide an ABN (ie. revert to pre-2004 policy)
• Remove the criterion under .org.au, but keep the criterion under asn.au for miscellaneous "special interest clubs" entities
• Clarify the definition of a "special interest club" (eg. specify the number of club members etc.)
• Change "special interest club" to "unincorporated association" (but it was noted that "unincorporated association is also an undefined term)
• Limit special interest club to one domain name only
• Create a new 2LD for those with no other place to register a domain name.

It was noted that while there are some people who currently exploit the criterion for illegitimate purposes, there is still a large percentage of those who are in fact registering an org.au or asn.au for legitimate purposes.

c. Issue 1.3 Leasing

Some Panel members noted that there may be legitimate commercial reasons for sub-licensing domain names (eg. IP protection). It was suggested that leasing be allowed as a purpose under the close and substantial connection rule, however it was noted that this would be inconsistent with the prohibition on registering for the sole purpose of sale.

The Panel agreed that this issue be discussed in conjunction with Issue 3.2 on domain monetisation practices, given that the issues are somewhat inter-dependent.

d. Issue 3.2 domain monetisation practices

Panel members noted the difficulties in enforcing the current policy. Some Panel members also expressed the view that the policy is harsh and unfair, with unintended consequences due to the broad and uncertain definition of "monetisation". It was noted that domain monetisation is a legitimate commercial endeavour and has been an accepted practice in the gTLDs for some time.

It was suggested that domain monetisation can be dealt with under the general policy rules, and there are other safeguards and protections that can be relied on to address bad faith behaviour.

There was general agreement among Panel members that the policy is currently unworkable and should be significantly changed or abolished completely.

e. Issue 2.1 definition of "brand name"

It was suggested that obvious brand names be blocked at the registry. It was noted however that blocking so-called "obvious" brand domain names would be subjective and unfair to other businesses who also may claim to have a brand.

The Panel noted that there are good consumer protection reasons behind the policy, such as preventing phishing scams and generally protecting the integrity of the .au domain space.

However, it was also noted that trademark owners have the resources to enforce their own rights and should not have access to a free enforcement mechanism via auDA. It was suggested that companies that have issues with the misspelling of a domain name should be referred to auDRP or legal recourse instead.

3. Further Discussions

The Panel agreed that the remainder of the issues be addressed at the next Panel meeting.

Next meeting:

Thursday 4 November 2010, 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 |