3V

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To the committee

This is our brief response to the .au Licensing Rules Review 2025, Draft Report: Summary of recommendations for consultation.

We thank the committee for their public forums and this opportunity to contribute to this review.

3V and Merlin Integrated Media background

3V, and its businesses, has operated on the internet and web since 1995 when we registered our first domain names. As Merlin Integrated Media we built some of Australia's first websites.

We also have two contested AU names, but comment more broadly to support improvements in the AU domain name allocation and management process.

Yours

Jeffrey Cook
Director

Response to the .au Licensing Rules Review 2025, Draft Report: Summary of recommendations for consultation

Response to RECOMMENDATION 1. Monetisation of Domain Names

We support the recommendation to allow so called monetisation where monetisation could more clearly be defined in the rules to discriminate between normal selling of a name and other less desirable activities actions such as pay per click “link farms” and other “bad faith” registrations.

Accordingly, we support the idea of a clarification in the ‘Services’ definition and pay per click arrangements and adoption of additional administrative rules related to the use of this kind of monetisation of a name.

However, the selling of a domain name, for example as part of selling a business, or the name owner’s retirement, or a change in the nature of a business, should be allowed as a normal course of business. This then aligns generally with international “best” (common) practice.

In addition, this would not specifically penalise a registrant if they sell the domain name for more (or less) than the original purchase price, again as this aligns with international best practice.

We still believe that large scale sellers (e.g. registries and name selling businesses holding say 30 or more names) should be licensed by clear process of agreement with a set of principles developed by AUDA so that the public may trust that the names on sale:

- conform to AUDA rules;
- were obtained fairly without false undertakings made to the seller or other similar unfair practices;
- are validly onsold using transparent and fair mechanisms (e.g. promotion of the names, auctions, etc)

RECOMMENDATION 2. Allocation rules for com.au and net.au namespaces

We support the status quo with the addition of a possible clarification of the pathway for resolution of contested names.

RECOMMENDATION 3. Contested .au direct domain names

The status quo of unresolved contests for allocation being left (as the Chairman described it earlier this year at a community forum) to a process of “attrition” (whereby he anticipated an eventual reduction in contest because applicants would simply “give up”) could be considered unreasonable and unfair.

It is the moral equivalent of “if we wait long enough, all our problems will go away and we don’t have to do anything”. This is unacceptable as policy or strategy.

The bulk of applicants who already hold the .com.au name and are prevented from registering the accompanying .au name are unsurprisingly unsupportive of this unfair practice.

Currently applicants are left in the dark, with the key and useful details of the other contesting applicant/s obscured, except for their registered domain names.

Better policy practice would be to, at the very least, facilitate the commercial in confidence exchange of each relevant contesting applicant’s contact details.

Ideally AUDA would also provide a formal set of guidelines to facilitate resolution including but not limited to: the form of contact details, a pathway to resolution, timelines, etc.

Then, failure to follow these guidelines would mean that the party failing to follow the rules is denied to being a party to the contest by AUDA.

This would have the added benefit of reducing the number of contestations allowing the remaining ones to be dealt with more specifically and more easily.

Importantly, this process would be reviewed in say two or three years to allow policy adjustments to be made as necessary.

However, attempted AU registrations by well-resourced large government departments and institutions, means that these contests are often unbalanced and hence unfair, but there does not seem to be any easy solution to this problem, any more than there is for the unfair contest between large and small business domain name applicants.

RECOMMENDATION 4. Fraudulent and bad faith registrations and Reserved Name

We agree that the reserved name list be not publicly available.

RECOMMENDATION 5. Complaints process for domain name audits

We agree that audits should be part of any complaints process. The “affected person” definition should also be broadened.

RECOMMENDATION 6. Domain Name Licence lifecycle settings

We agree with the recommendations (a, b, c and d) concerning lifecycle settings.

We would also recommend that registration periods be extended to 3, 4 and 5 years (perhaps 10 years?) to align with international practice.

RECOMMENDATION 7. Including scams within the scope of the .au Licensing Rule

We agree that scam sites identified by bodies such as NASC and also including those identified by AUDA, perhaps in view of the tightening and clarifying of registration requirements as part of this review, be subject to a take down process administered by AUDA, and able to properly react to said notice and in the shortest time possible.

These names would then enter the non-public reserved list, unless a strong case were presented by a relevant party to release them.

RECOMMENDATION 8. Adequate communication to Registrants regarding renewals or cancellation of Domain Name Licenses

We agree that clear communications strengthen the rules and consequently improves the operation of the AU domain name space.

RECOMMENDATION 9. Exemption from eligibility rules to retain com.au after retirement

We support AUDA developing a clear policy to resolve issues concerning a registrant's planned or unplanned retirement, ill health, or death.

Ideally, the (initial or ongoing) name registration requirements would include agreement to, depending on circumstance, transfer management and/or ownership of the registration to another associated party.

Final Comment

Regardless of the final outcomes of this review it is essential that, to circumvent unintended consequences and market dynamics including AI and other new technologies that will affect domain name operation in the future, that a regular (say every four or five years) review process should be built into AUDA policy.