

.au Domain Administration Ltd (auDA)  
Policy Advisory Panel  
rulesreview25@auda.org.au

**3 March 2026**

### **.au Licensing Rules Review 2025 – Submission**

Dear panel members,

Conseek is an Australian organisation that provides specialist advisory and expert evidence services to law enforcement and government agencies, the legal sector, and other entities. Specifically, we operate in the areas of fraud, financial crime, computer crime, digital forensics and cyber security. We regularly engage with industry stakeholders including the Australian Signals Directorate (ASD) and the Australian Cyber Security Centre (ACSC), NSW Police Force, and partner law firms.

We have previously engaged with auDA regarding domain names registered for fraudulent purposes and whilst these engagements have been overwhelmingly positive, we have identified areas of improvement, ultimately for the benefit of Australian organisations conducting business online.

Our submissions are as follows:

#### **1. Should the allocation rules require a close match between a .com.au or net.au domain name and registrant's name or business name, or should there be less requirements?**

1.1 Conseek **supports** retaining Section 2.4.4(2)(a) through to 2.4.4(2)(e) of the *.au Domain Administration Rules: Licensing ("Licensing Rules")*, as-is, on the basis that they are objective and auditable, however we would recommend that Section 2.4.4(f) be retained with the additional requirement of providing objective evidence (such as an ASIC registration, trade history, contracts/invoices, or some other non-trivial original content) to establish a clear nexus between the registrant and eligibility.

1.2 Conseek **opposes** removing the allocation requirements under Section 2.2.4(2) of the Licensing Rules on the basis that it will likely increase registrations that are cheap to acquire, but hard to remediate.

1.3 Conseek **opposes** allowing the allocation requirement under Section 2.4.4(2)(f)(i) to be satisfied through the establishment of a monetised website, on the basis that thin affiliate pages is a well-known abuse pattern that would allow actors to manufacture "use" without a bona fide trade. Thin affiliate pages offer no additional benefit to the original product/service page, and leads to excessive keyword stuffing, scraped content without transformation, and focusses on funnelling traffic for commissions.

1.4 Conseek neither supports or opposes replacing the requirement of "match, or an acronym/synonym" with "a close and substantial connection", however should the definition of "close and substantial connection" be re-adopted, it should be strictly defined and supported with examples.

## 2. Domain name monetisation in .com.au and .net.au.

Conseek **opposes** domain name monetisation in both .com.au and .net.au namespaces, as a mechanism to satisfy licensing rules. We recommend that the licensing rules be amended to explicitly disallow this practice, except for incidental advertising on a legitimate business site (e.g.: Whilst the site is under construction). In practical terms, a thin affiliate page, parked domain or pay-per-click site should not qualify as a “provision of a service” for allocation purposes. Notwithstanding the points raised in Question 1.3, Conseek forms this opinion on the basis that allowing monetisation could undermine the perceived reliability and genuine nature of .com.au and .net.au namespace.

## 3. How should contested .au direct domain names name be dealt with in the future?

Conseek **supports** replacing the current indefinite “priority hold” status with a deterministic, time-bound resolution pathway that favours allocation. Our rationale is based on the reduction of administrative burden (which can leave domain names unallocated indefinitely, requiring on-going annual renewals), and harm reduction (where deliberate applications result in indefinite contested status being “weaponised” against competing organisations, i.e.: “If we can’t have it, they can’t have it either”).

Conseek proposes the following phased resolution model:

*Negotiation Window:* A fixed period (e.g.: 12 months) from the date a domain became contested where the “priority hold” status is maintained, to allow for voluntary resolution between applicants.

*Default Allocation:* At the expiry of the “Negotiation Window” and where a resolution has not been achieved, allocate the .au direct domain name to the applicant with the earliest registration date of the matching domain name.

*Exception Phase:* Permit a limited, evidence-based challenge pathway where an applicant can demonstrate that the default allocation would create a material risk of consumer confusion or misuse. This phase should be tightly framed to prevent routine “litigation-by-policy” situations (e.g.: Deliberate delays in allocation, increases in legal costs, gaining leverage for a commercial settlement, or force a result that would otherwise not be achievable under the “Default Allocation” phase). This phase should not become a substitute for trademark litigation etc...

Conseek **opposes** auctions as a resolution mechanism (even if eligibility gating and minimum holding periods are defined) on the basis that it risks incentivising speculative participation and “portfolio” behaviour (value over entitlement), pay-to-win outcomes (particularly by well-funded applicants), and undermining the public interest character of the .au namespace.

## 4. Should the requirement that reserved names that pose a risk to operational security, integrity and utility of the .au domain be published on the website, be removed from the licensing rules?

Conseek **supports** the revocation of Section 2.6.7 of the licensing rules on the basis that publication presents a clear cybersecurity risk, by providing threat actors with actual examples of high-yield misspellings that can be used to derive large volumes of new candidates that are not part of the reserved list. Publication also provides threat actors the opportunity to improve their tradecraft by targeting specific categories of organisations derived from the reserved list.

In the interest of transparency, Conseek also makes the following recommendations:

- auDA publishes aggregated metrics, such as the number of reserved domains, the number of reversals that are being or have been reviewed, and the average time taken from detection-to-reservation.
- auDA focusses on publishing the criteria for reservation, decision governance, and timeframes, rather than the reservation list itself.
- auDA provides a non-enumerable, public mechanism to check whether a domain exists on the reservation list (with rate-limiting and other controls to prevent bulk harvesting).

## **5. Should there be changes to the complaints wording and/or processes in .au licensing rules to reflect audit action complaints, and to reflect an applicant's standing to escalate a complaint?**

5.1 Conseek **supports** amending Part 3 of the licensing rules to explicitly cover complaints and reviews arising from auDA audit activity and resulting decisions. This will align auDA's current practice of procedural fairness.

5.2 Conseek **supports** amending the description of "affective person", to reflect a clearer, more defined definition, rather than forcing auDA to narrow its current practices in a way that could compromise fairness for genuinely affected parties.

## **6. Should auDA align selected business practices and rules with gTLD rules?**

In principle, Conseek **supports** selective alignment with gTLD practices, where it improves registrant protections, reduces ambiguity, and reduces cybersecurity risk. However, Conseek **opposes** any changes where existing .au divergence is clearly designed to mitigate a known risk or specific harmful practices (e.g.: Unsolicited renewal notices).

Conseek **supports** increasing the cooling-off period to 5 days to improve correction time for accidental registrations, while the existing refund cap reduces the likelihood of "domain tasting" abuse.

Conseek **supports** a single 30-day redemption grace period (RGP) to align with ICANN's policy on redeeming domain names in RGP, followed by a 5-day *PendingDelete* period. Longer visibility into domains pending deletion helps legitimate buyers and defenders, however consequently it also allows threat actors more time to target expiring domain names. Conseek recommends implementing a non-enumerable, rate-limited "check this name" tool, rather than making harvesting bulk drop lists trivial.

Beyond the changes already proposed, Conseek recommends security-focused controls around deletion and re-registration for domains at elevated risk (e.g.: Critical infrastructure) with stronger change-of-registrant verification, registrar locks, and tighter identity validation at re-registration.

## Other Matters: Reporting fraudulent and bad-faith registrations.

Conseek has engaged with organisations where prohibited misspellings of domain names have been used for fraudulent purposes. Timely investigation and action are tantamount to limiting financial losses (through misdirected funds) and reputational damage to the legitimate organisation.

Whilst *Section 5.1* of the current *Prohibition on Misspellings Policy (2008-2009)* states that complaints of this nature should be lodged directly with auDA, the wording on the online form<sup>1</sup> is ambiguous. One of the mandatory questions is: "Have you made your complaint to the registrar where the .au domain name is registered?", and upon selecting "No", the user is advised to contact the registrar.

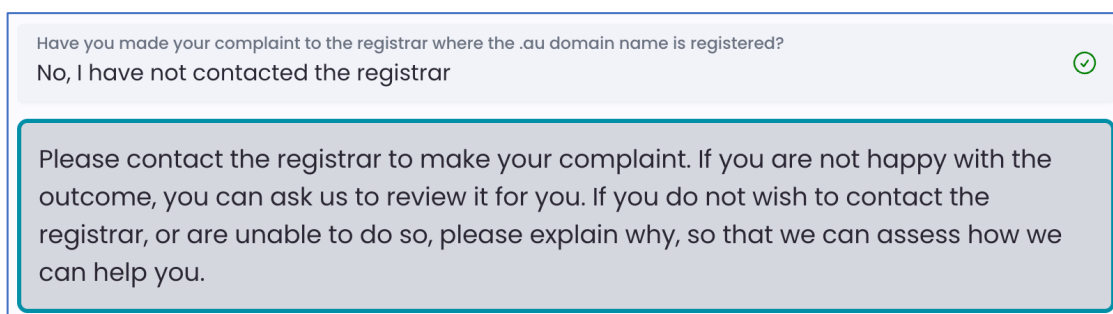


Figure 1 – Screenshot showcasing advisory message.

Conseek recommends that auDA considers adopting clearer wording on the online complaint form to avoid avoidable delays in investigating fraudulent registrations that fall under the *Prohibition on Misspellings Policy*.

Additionally, Conseek recommends expanding *Section 4.2* of the *Prohibition on Misspellings Policy* to include homoglyph/homograph attacks (i.e.: "lookalike domains" or visual deception) as an explicit prohibition, for example: rmicrosoft.com.au vs. microsoft.com.au.

Whilst, arguably, *Section 4.2(h)* is broad and applies a "catch-all" approach, *Section 4.2* more broadly focusses on specific examples of classic typosquatting behaviour. Visual deception (like "rn" vs. "m") is a known and widely used technique used by threat actors, it is not expressly defined in the policy, potentially causing an interpretive and enforcement gap. Conseek proposes the addition of an explicit section that includes "visual confusable registrations". The proposed draft wording is as follows:

*Section 4.2(i) – a name containing one or more characters or character sequences that are visually confusable with an entity, brand name or trademark, such that the name is likely to be mistaken at a glance or when presented in certain typefaces (e.g.: "rn" vs. "m", "vv" vs. "w").*

Regards,  
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<sup>1</sup> <https://www.auda.org.au/au-domain-names/complaints-and-disputes/au-complaints/submit-a-complaint/>