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Submission to the .au Licensing Rules Review 2025

Response to Draft Report Recommendation 9 – Exemption from Eligibility Rules to Retain .com.au Domain Names After Retirement

Submitted by: Daniel Underhill

Introduction

I welcome the opportunity to provide feedback on the Draft Report of the .au Licensing Rules Review 2025, specifically Recommendation 9 regarding exemption from eligibility rules for registrants who cease to qualify as commercial entities.

I support the role that eligibility requirements play in maintaining trust, integrity and confidence in the .com.au namespace. The requirement for a genuine connection between a registrant and a domain name has long been one of the distinguishing characteristics of .com.au and contributes significantly to its reputation.

However, I believe the Draft Report has identified a genuine issue but framed it too narrowly.

The question is not simply whether retired business owners should be permitted to retain domain names that no longer meet commercial eligibility requirements.

Rather, there exists a broader category of long-held domain names that have evolved beyond their original commercial purpose and now function as enduring digital identities for Australian individuals and families.

The current Draft Report does not adequately address this class of registrants.

The Evolution of Domain Names

When many .com.au domain names were first registered in the late 1990s and early 2000s, the internet was a very different environment.

At that time, domain names were primarily viewed as business assets or technical resources. Over the following two decades, email became a central component of personal, professional and civic life.

The widespread adoption of generic top-level domains such as .com has demonstrated that domain names are now commonly used as persistent digital identities rather than purely commercial identifiers. While the .com.au namespace continues to serve an important commercial function, some long-held .com.au domains have similarly evolved beyond their original business purpose and now operate primarily as enduring family digital identities.

This is particularly true of domains that exactly match family surnames.

Unlike generic commercial terms, surname-based domains often become embedded in family communications and are used by multiple family members over extended periods.

Practical Examples

My family's surname-based .com.au domain has been held continuously since the early 2000s and has remained within the family throughout that period.

It was originally registered and managed by my father. Responsibility for hosting, registration and administration later passed to me, but the domain has remained part of our family's digital identity for more than two decades.

Today, the domain is used for email purposes by multiple generations of my family, including my retired 76-year-old mother.

Those email addresses are connected to a wide range of services and relationships accumulated over many years, including:

- banking and financial institutions;
- utilities and telecommunications providers;
- government services;
- healthcare providers;
- insurance providers;
- online subscriptions and memberships; and
- long-standing personal and professional contacts.

The domain is no longer simply a commercial identifier.

It is part of our family's digital infrastructure.

The issue is not limited to my own family's circumstances.

I am aware of a similar situation involving retired small-business owners who have recently wound up their business operations. While their commercial activity has ceased, their long-established .com.au email addresses remain central to their daily lives and are linked to banks, utilities, government services, healthcare providers and personal contacts accumulated over many years.

This demonstrates that the challenge is broader than any individual case. As increasing numbers of Australians retire, close businesses or transition away from commercial activity, there will likely be a growing number of long-held .com.au domains that continue to serve an important personal identity function despite no longer being associated with an active enterprise.

Digital Identity Continuity

The Draft Report notes that registrants who cease to qualify under the eligibility rules may be assisted through flexibility in compliance processes or transition arrangements.

While transition may appear straightforward in theory, the practical reality is often very different.

Changing a long-established email address can require updates across dozens or even hundreds of services.

For older Australians in particular, such changes can be difficult, stressful and potentially risky.

In my family's case, the domain is used by my retired 76-year-old mother as part of her everyday digital identity. Her email address is linked to financial institutions, government services, healthcare providers, utilities and long-standing personal contacts. Requiring migration to a new email address would create substantial inconvenience and risk for no obvious public benefit.

Loss of access to important communications, missed notifications, account recovery complications and increased exposure to scams are all foreseeable consequences of forcing the abandonment of a long-established digital identity.

In many cases, the public harm caused by forced migration is likely to outweigh any public benefit achieved through strict enforcement of commercial eligibility requirements.

In such circumstances, the relevant question is not whether the domain once had a commercial purpose, but whether forcing its abandonment today delivers a meaningful public benefit.

The practical consequence of the current rules is that Australians who have invested in their own domain-based digital identity may be disadvantaged compared to those who rely on third-party email providers.

An individual using a long-established address through a large email platform may retain that identity indefinitely, while an individual using a long-established .com.au domain-based address may lose it despite having used it continuously for many years. The distinction is increasingly difficult to justify where the email address has become the person's primary digital identity rather than a commercial asset.

The Public Interest Test

The purpose of .com.au eligibility rules is to maintain trust, integrity and confidence in the namespace.

Those objectives are important and should be preserved.

However, it is difficult to identify a significant public benefit in requiring the surrender of a surname-based domain that:

- has been continuously held for more than two decades;
- remains within the same family;
- is used primarily for email and personal communications;
- is not being warehoused or monetised;
- is not being held for speculative resale; and
- presents no risk of consumer confusion or harm.

Such domains are fundamentally different from speculative registrations, domain investments or commercial holdings.

They represent continuity of identity rather than commercial advantage.

A Narrow Grandfathering Mechanism

This submission does not propose opening .com.au registrations to individuals without a commercial connection.

Nor does it propose weakening the existing eligibility framework that underpins trust in the .com.au namespace.

Instead, I propose a narrowly tailored grandfathering mechanism for a small number of legacy domains that have become established family digital identities.

I encourage the Panel to consider introducing a "Legacy Family Domain" provision within the Licensing Rules.

Such a provision could permit continued retention of a .com.au or .net.au domain where all of the following criteria are met:

1. The domain has been continuously registered for at least ten years.
2. The domain exactly matches the registrant's surname or family name.
3. The domain is used primarily for personal or family communications, including email.
4. The domain is not monetised, warehoused or held primarily for resale.
5. The domain remains under the control of the registrant or immediate family members.

6. Any transfer is limited to immediate family members, legal personal representatives or beneficiaries of an estate.
7. The domain remains subject to all other applicable .au policies and dispute resolution processes.

This would create a tightly constrained exception that addresses genuine hardship cases without undermining the commercial integrity of the .com.au namespace.

Conclusion

The .com.au namespace has matured to the point where some domain names have become more than commercial identifiers.

For a small number of Australians, particularly those with long-held surname-based domains, these names now function as enduring family digital identities.

The Licensing Rules should recognise this reality.

A carefully targeted grandfathering provision for legacy family domains would preserve trust in the .au namespace while avoiding unnecessary disruption to Australian families who have relied on these digital identities for many years.

I respectfully encourage the Panel to expand its consideration beyond retirement alone and recognise that, for some Australians, long-held .com.au domains have become part of their personal and family digital identity. The Licensing Rules should accommodate this reality through a carefully targeted grandfathering provision.

I am happy to provide the specific domain name and supporting information to the Panel on a confidential basis if required. While I consent to publication of this submission, I request that any identifying details relating to the domain name itself be omitted from any public version.

Yours faithfully,

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