

## **To the Policy Advisory Panel,**

I am writing to contribute to the ongoing review of unresolved Priority Applications for contested .au direct domain names. My submission focuses on ensuring fairness and transparency in the application of the **“longest continuous holder”** criterion, particularly in light of historical AUDA domain release policies.

### **Context: dogs.com.au and the 2002 Generic Auction**

I am the registrant of dogs.com.au, a restricted generic domain name made available through AUDA’s 2002 public auction of previously unavailable generic .com.au domains. Prior to this auction, such names were restricted and unavailable for registration under AUDA policy, meaning no eligible party could have registered them earlier.

AUDA documentation confirms that thousands of high-value generic domains were held back until they were released through this controlled allocation process.[1]

I acquired dogs.com.au through that process and have maintained continuous registration since. In contrast, as far as I am aware, the corresponding dogs.net.au domain was available earlier, due solely to differences in namespace policy — not because of stronger or longer-standing rights. Applying the “longest continuous holder” test without recognising this creates unfair outcomes for registrants who acquired names through AUDA’s own release mechanisms.

### **Broader Precedent: 2005 Geographic Domain Release**

In 2005, AUDA also released a large number of previously restricted geographic .com.au domain names via a ballot system and subsequent first-come, first-served allocation.[2] These names, too, were unavailable prior to AUDA’s policy change.

As with the generic auction, registrants who acquired geographic names in good faith through AUDA’s process should not be disadvantaged simply because those names were released later.

### **Application of the “Longest Holder” Principle**

Given this background, the use of the “longest continuous holder” principle presents significant concerns. It risks creating inequities by favouring registrants who happened to register a similar name in a different namespace earlier — not because they had a stronger or longer-standing claim, but because of AUDA’s previous registration restrictions.

### **Recommendation: Remove or Limit Use of the “Longest Holder” Principle**

Due to the complexity introduced by past policy restrictions and controlled releases, I respectfully submit that:

- Applying the “longest holder” principle uniformly is impractical and inherently unfair;
- Many of the currently contested .au direct domain names are affected by these historical releases;

- The Panel should give serious consideration to removing the “**longest holder**” principle entirely from its decision-making framework, or at the very least, limit its use in cases where the domain was previously unavailable due to AUDA policy.

### **Request for Transparency and Access to Data**

To support a fair and informed outcome, I respectfully request that the Panel be granted access to:

- A complete list of generic .com.au domain names auctioned in 2002 and geographic .com.au domain names released in 2005;
- Data showing how many of the contested .au direct domain names fall into these categories and may be affected by the “longest holder” test.

Access to this information will help the Panel contextualise registration histories and ensure outcomes that reflect AUDA’s intent at the time of each release.

### **Conclusion and Recommendations**

I respectfully urge the Policy Advisory Panel to:

- Recognise the policy-driven unavailability of domain names such as dogs.com.au prior to their release;
- Apply the “longest continuous holder” principle only with full consideration of historical release policies;
- Ensure access to relevant data so the impact on affected registrants can be properly assessed;
- Treat registrants who acquired domain names through AUDA-administered processes equitably in the .au direct allocation process.

Thank you for your time and consideration.

**Sincerely,**

Ian Halson

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## References

1. AUDA Reserved List Policy (2002-30) – Documented the restriction of certain generic names from .com.au and .net.au registration until controlled release.  
<https://files.auda.org.au/documents/auda-2002-30.pdf>
2. AUDA Board Minutes – 10 October 2005 – Confirmed 2,700 previously restricted geographic .com.au names were released via ballot, with remaining names available first-come, first-served.  
<https://files.auda.org.au/documents/auDA-Board-Minutes-20051010.pdf>