

Key Consultation Issues

.au Licensing Rules | .au Namespace Implementation

October 2019

.aUDA
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auDA is seeking community feedback on changes detailed below.

Accompanying documentation can be found on the auDA website:

<https://www.auda.org.au/public-comment/au-consultation-oct2019>

Key Consultation Issues

What are the impacts of the following policy issues, and how can they be improved?

Allocation rules for com.au and net.au names

(2.4.4 of the .au Licensing Rules)

To be eligible for a com.au or net.au domain name you need to be a commercial entity (as specified in the policy definitions).

There also needs to be a connection between their corporate entity and their domain name (defined by paragraph 2.4.4 (2)).

This rule aims to protect consumers (you know who you're dealing with) and ensure fair trading (you can't pass yourself off as another brand).

The 'public interest test'

(2.17 of the .au Licensing Rules)

auDA regularly gets requests from law enforcement agencies to suspend or cancel .au domains that are used in cyber-criminal activities. The public interest test aims to ensure that these requests are made in the public interest and balances the rights of registrants/private citizens and the interests of law enforcement agencies to protect the community.

Use of sub-domains

(2.11.9 of the au Licensing Rules)

Registrants can create sub domains of their .au domains e.g., the registrant of foreexample.com.au can create *shoes*.foreexample.com.au.

When sub-domains are used for unlawful activity or in breach of the auDA rules, currently auDA can only act if the registrant of the third level domain is ineligible to hold the domain to which the subdomains are attached.

The new rules hold the registrants of a .au domain responsible for activity conducted on any sub-domain and give auDA the power to act as the result of activity on a sub-domain.

Sub-leasing/sub-licencing of .au domains

(2.11.11 of the .au Licensing Rules)

Currently, you can't sub-lease a .au domain to another person, unless that person is a related body corporate.

The prohibition on sub-leasing aims to maintain the integrity of the .au domain by ensuring the rules around eligibility can't be circumvented and the WHOIS data accurately reflects who is in control of a domain name.

Internationalised domain names

(2.8 of the Licensing Rules)

The .au Licensing rules allow for names in the following scripts to be registered at the second level only:

- (1) Chinese (Simplified);
- (2) Korean;
- (3) Japanese;
- (4) Arabic; and
- (5) Vietnamese.

The cut-off date determining .au priority category

(1.6.1 of the .au Namespace Implementation Rules)

When second level .au domain names launch, existing registrants of .au domains will be able to apply for priority to register the exact match of their third level domain at the second level.

E.g. Tina holds the licence for getyour.com.au and can apply for priority to register getyour.au

In the small number of cases where there are multiple applications for the same name (known as contested names), registrants of names created on before a 'cut-off date' (currently proposed to be 4 February 2018) are given priority over registrants whose names were created after.

The priority cut-off date aims to mitigate situations of profiteering by parties registering third level domain names that would be attractive to buyers at the second level.

Factors influencing the choice of 4 February 2018 as the date were:

- the originally planned launch date for second level names of 1 July 2019
- the size of the pool of potentially contested names

A cut-off date set too far in advance of the launch may adversely affect new businesses, especially those that are unaware that direct registration is coming.

The .au ‘lockdown’ model

(1.9.5 to 1.9.13 of the .au Namespace Implementation Rules)

When second level domains (e.g. getyour.au) launch in 2020, existing registrants will be able to apply for priority access to the exact match of their domain name at the second level. (e.g. Registrant of getyour.com.au can apply for getyour.au)

It’s possible that there will be multiple applicants for the one name and so we divide applications into priority categories (1&2) based on the domain name creation date.

Where there are multiple category 1 applicants for a second level name, the second level name is only allocated when agreement has been reached between the applicants.

If no agreement is reached the second level name remains locked. Applicants are required to maintain their application via a yearly renewal.

When there is only one applicant left the name can be allocated. This system is known as the ‘lockdown’ model.

This system attempts to protect the interests of existing registrants in .au, but as a result may negatively affect new entrants to the domain.

How to Have Your Say

There are different ways you can submit your feedback on these issues and any others related to the .au Licensing Rules and .au Namespace Implementation.

Send a submission

You can email your feedback to policy.review@auda.org.au

Submissions must be received by 5pm 30 November 2019.

All submissions, unless marked confidential, will published on the auDA website.

Attend a workshop

auDA is hosting a series of facilitated workshops in mid-October 2019 to get feedback on these issues. You can find the details on the consultation page:

<https://www.auda.org.au/public-comment/au-consultation-oct2019>

Complete a questionnaire

You can also visit audfeedback.org.au to complete a quick survey on these issues.