

30 March 2026

.au Licensing Rules Review
Policy Advisory Panel

By email: rulesreview25@auda.org.au



The Law Society
OF SOUTH AUSTRALIA

Dear Panel

Licensing Rules Review for .au

1. The Law Society is responding to consultation by auDA to examine issues that relate to the effective and fair operation of the *.au Domain Administration Rules: Licensing*.
2. We acknowledge receipt of the auDA Issues Paper and the Consultation Paper dated November 2025 which includes six (6) multi-part consultation questions.
3. auDA is endorsed by the Australian Government to administer the .au domain, and has appointed an external Policy Advisory Panel to conduct a multi stakeholder review of the licensing rules.
4. This submission was prepared with the assistance of the Society's Legal Technology Committee and senior staff of the Society.

Issue 1: Allocation rules for .com.au and .net.au namespaces

5. The Society considers that the allocation rules for com.au and net.au should continue to require a meaningful connection between the domain name and the registrant, but that the rules would benefit from being clarified and narrowed in some respects.
6. In the Society's view, the existing allocation framework serves an important policy purpose. The com.au and net.au namespaces are understood by the public as Australian commercial spaces in which domain names should correspond with the registrant's name, business, trademark, goods, services, activities, events or premises. Removing the allocation rules altogether would materially weaken that connection and risk reducing trust in the namespace.
7. The Society also observes that the comparatively lax registration requirements in .com and other top level domains have contributed to an environment in which malicious, fraudulent and misleading domain names can be registered more easily, often as part of scams and impersonation activity that may result in significant financial loss to victims. That is a further reason to retain a stronger allocation framework in .com.au and .net.au.
8. The Society does not support removing the allocation requirements under rule 2.4.4(2). A model based only on the requirement that the registrant be a commercial entity would be too broad and would significantly dilute the present policy intent of com.au and net.au. In practical terms, it would make it easier for registrants to obtain names with only a tenuous or opportunistic connection to their business and may leave the namespace more vulnerable to exploitation by malicious parties.
9. The Society does not consider that allocation should be limited solely to rules 2.4.4(2)(a) to (e). While those categories provide the clearest and most verifiable forms of connection, a complete exclusion of broader categories may be unnecessarily restrictive and may exclude legitimate

businesses whose domain names relate to a genuine service, activity, event, product line or premises that does not neatly align with a registered name or trade mark.

10. The Society therefore supports a closer and clearer connection test, rather than either extreme of retaining the current wording without refinement or removing the allocation rules altogether. In the Society's view, the rules should continue to allow allocation by reference to the registrant's legal name, business name, trade mark, or other genuine commercial identifiers, but the more open ended categories should be framed so they cannot be used to justify registrations where the connection is nominal, artificial or merely asserted after the fact.

Issue 2: Domain name monetisation in .com.au and .net.au

11. The Society considers that a domain name in com.au or net.au should not continue to be able to be registered where the sole purpose is passive monetisation, such as domain parking or pay-per-click pages with no genuine underlying business, service or other bona fide activity.
12. In the Society's view, monetisation should only be permissible where it is incidental to a real commercial activity or actual service that independently satisfies the allocation rules. A broad acceptance of passive monetisation weakens the purpose of the com.au and net.au namespaces and risks encouraging speculative registrations in a namespace that should continue to reflect a genuine Australian commercial connection.
13. The Society therefore considers that the rules should be amended to make clear that passive monetisation alone does not amount to the provision of a service for the purpose of satisfying the allocation rules in com.au and net.au.

Issue 3: Contested .au direct domain names

14. The Society considers that contested .au direct names should not remain indefinitely in priority hold. The current approach leaves contested names unavailable until all but one applicant withdraws, and the consultation material indicates that a substantial number of names remain unresolved.
15. The Society's preferred approach is that a contested .au direct name be allocated to the applicant with the earliest registration date for the matching existing .au domain name. That is the clearest and most objective rule. It recognises the longest standing connection to the name in the .au space, is relatively straightforward to administer, and avoids leaving names dormant for years.

Issue 4: Fraudulent and bad faith registrations and reserved names

16. The Society recognises that, from a risk management perspective, it is important for domain owners to understand the risks posed by homograph attacks, typo squatting and other deceptive registration practices. While publication of the actual reserved domain names may provide bad actors with useful insight into current detection patterns and gaps, some degree of transparency remains valuable.
17. A balanced approach would be to remove the requirement to publish the actual reserved names, while requiring auDA to publish de-identified guidance, examples and periodic reporting about the types of fraudulent or bad faith registrations being detected. Consideration could also be given to direct notification to affected domain owners where high risk variants of their domains are identified. This would support risk awareness and mitigation without unnecessarily increasing the risk of further abuse.

Issue 5: Complaint process for domain name audits

18. The Society considers that Part 3 of the rules should be amended to expressly accommodate complaints arising from auDA-initiated audit action.

19. At present, the complaint process is framed around complaints made to the registrar and relating to the responsibilities or obligations of a registrant or registrar under the rules. That is not an ideal fit where the complaint concerns an audit driven outcome initiated by auDA itself.
20. The Society considers there should be an explicit pathway in Part 3 for complaints and review applications arising from audit action. This would improve certainty and better reflect procedural fairness.
21. A separate issue is standing for escalation. The present rules provide that a person affected by an auDA decision may apply for internal review and external review.
22. In the Society's view, the answer is not to abandon standing altogether. The better approach is to clarify the meaning of affected person so that the escalation pathway remains available to those with a direct and legitimate interest, including the registrant, the applicant directly subject to the decision, the registrar, and potentially a complainant who can demonstrate a legal or commercial interest beyond that of the general public.
23. What should be avoided is a model that allows any third party with only a speculative interest in obtaining the domain name to escalate the complaint process through multiple review stages. That would risk turning the complaint regime into a secondary acquisition channel rather than a genuine compliance and review mechanism.

Issue 6: Alignment of selected rules in .au with equivalent rules in gTLDs

24. The Society supports selective alignment with generic top-level domain ('gTLD') practice where doing so improves clarity, consistency and fairness for registrants, but does not support alignment merely for its own sake.
25. The Society considers the 90-day renewal window should be approached cautiously. That rule serves an important consumer protection function in addressing unsolicited renewal notices being sent at any point in the domain lifecycle. Removing the 90-day limit may create flexibility, but it may also recreate confusion and increase the risk of misleading renewal practices.
26. In the absence of stronger safeguards elsewhere, the Society considers that the 90-day renewal window should remain.
27. The Society supports extending the cooling off period from 3 days to 5 days. A modest extension would better align with international practice and allow registrants a more practical period in which to reverse an error.
28. The Society also sees merit in adopting a single consistent redemption period for deleted names. A clearer and more uniform redemption framework would be easier for registrants to understand and would reduce the risk of accidental loss.
29. The existence of differing deletion and expiry pathways introduces unnecessary complexity into the domain name lifecycle and increases the prospect of confusion, particularly for registrants who do not routinely engage with the technical operation of the rules. A single redemption period would promote predictability, support clearer communication by registrars, and provide registrants with a fair and practical opportunity to remedy an inadvertent deletion or lapse.
30. The proposal to extend the pending purge period from 1 day to 5 days is considered acceptable.
31. More broadly, any move toward international best practice should focus on clarity, consistency, adequate notice, and registrant understanding, while preserving .au specific safeguards where they continue to serve a legitimate consumer protection or trust-based function.

32. The Society trusts that these comments assist the Advisory Panel in its consideration of the issues raised in the consultation paper. Thank you for the opportunity to provide input into the review.

Please contact me if you have any queries.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'D' followed by a long, sweeping horizontal line that curves upwards at the end.

David Colovic
President