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To: LRreview
Subject: [EXTERNAL] - Submission: .au Licensing Rules Review 2025
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Submission: .au Licensing Rules Review 2025 – Draft Report

Re: Recommendation 2 – Allocation rules for com.au and net.au namespaces

To the Policy Advisory Panel,

Thank you for the opportunity to comment on the Draft Report. This submission responds to Recommendation 2, on which the Panel has sought further stakeholder views.

I support Option 1: increase compliance checks in relation to the current rules.

1. The current allocation framework works and does not warrant change

The allocation rules under section 2.4.4(2), including the services limb at sub paragraph (f), have operated as part of a stable and well understood framework for the life of auDA's administration of the namespace. In 25 years there has been no structural failure of these rules that would justify their removal. Where issues exist, they are compliance issues, not policy design issues. The correct response to a compliance problem is enforcement of the existing rules, which is precisely what Option 1 provides. Options 2 and 3 respond to a perceived problem by rewriting or deleting rules that the overwhelming majority of registrants rely on legitimately.

2. Deleting sub paragraph (f) would strip legitimate businesses of long held domain names

Option 3 would have serious unintended consequences for legitimate commercial registrants. Consider Tyres.com.au, operated by Goodyear. Goodyear's company name and trade marks do not match the word "tyres". Its entitlement to the domain rests on the services limb: it provides tyres and tyre fitting services, and the domain name matches the name of those services. If sub paragraph (f) were deleted, Goodyear, a major global manufacturer with a genuine and substantial Australian retail operation, would no longer satisfy the allocation rules for a domain it has invested in and built consumer recognition around for years.

This is not an edge case. Generic and descriptive domain names held under the services limb are common across the com.au namespace and are held by businesses of all sizes that trade legitimately under them. Deleting the limb would retrospectively invalidate the basis on which these licences were allocated, creating uncertainty for registrants who acquired and developed these assets in good faith under the rules as they stood.

3. Stability of the namespace is essential to confidence in .au

The .au direct release demonstrated what happens when significant change is introduced into the namespace: contested names remain unresolved years later, registrants faced confusion about priority and eligibility, and confidence in the administration of the namespace was damaged. The Panel itself acknowledges in Recommendation 3 that changing rules mid stream "could create unfairness between the parties". The same logic applies with greater force to Recommendation 2. Registrants have made long term commercial decisions, including brand investment, marketing spend and business acquisitions, on the basis of the current allocation rules. Removing or materially rewriting those rules now would compound the instability created by the .au direct release rather than restore confidence.

Conclusion

The concerns identified by the Panel around monetised sites and DNS abuse are legitimate but are best addressed through the increased audits and compliance activity already contemplated in Recommendation 1, applied consistently under the existing allocation rules. Option 1 achieves this without disturbing settled rights or destabilising the namespace.

I therefore urge the Panel to adopt Option 1 and retain section 2.4.4(2)(f) in its current form.

Shaun