Submission to auDA re

“.au Licensing Rules Review 2025 - Panel Draft Report”

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Date 10/7/2026

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Summary

I would like to thank auDA for doing this review as a number of issues have reached the stage that they should be addressed.

I have several concerns with the Draft Paper, and a number of comments, which I will address in this submission.

1. Recommendations 1 & 2: I support reviewing the monetisation of .com.au/.net.au and the option to remove para (f) from 2.4.4 (2)

2. Recommendations 3: I strongly disagree with this recommendation

   Not making a decision on contested domains is an unreasonable outcome of the review. There is clear support for the ‘first come, first served’ basis that is also a foundation principle of the current rules. auDA should decide to resolve this issue and develop a process and time frames.

3. Recommendations 4.1, 4.2: I agree with the recommendations.

4. Recommendations 5.1, 5.2: I am concerned with the ramifications of widening who can request a review, so do not support 5.2.

5. Recommendation 6: I agree

6. Recommendation on page 65: This (“*role-based descriptions in the WHOIS”)* needs to be added as a specific numbered recommendation, and “id protection” should be reviewed.

7. Recommendation 7: Agreed, but can be taken further at this stage by directly adding in the Australian Competetion & Consumer Commission (ACCC) and National Anti-Scam Centre (NASC) as a requesting agencies.

8. Recommendation 8: I agree, though the specifics are important.

9. Recommendation 9: The recommendation does not properly address the issue, and needs to be reconsidered.

I strongly support a resolution to the 3000 or so remaining contested domains. It should be done on a ‘first come, first served’ basis with the auDA Board handling exceptions (See recommendation 3 below).

Further work needs to be done to analyse the remaining domains to identify any specific exception.

I would welcome the opportunity to assist the auDA in the implementation/analysis of the remaining contested domains, indeed if I could have access to the data will be happy to review all 3000 domains.

Ian Quick 10/7/2026

RECOMMENDATION 1

No change to the current approach that allows domain monetisation in the com.au, net.au and .au direct namespace. auDA to consider increasing the level of audits and compliance checks on monetised sites to ensure they are not used to facilitate DNS Abuse.

RECOMMENDATION 2

The Panel now seeks further views from stakeholders on the three options proposed above to address concerns around monetised sites as a means to achieve allocation.

History:

> The original .com.au (and .net.au) name space was designed to be an exclusive premium space for Australian business. As such, to receive a specific domain the commercial entity needed to have a match of their name to the domain name.
>
> This match requirement was effectively removed by adding section 2.4.4.(f) to the licensing rules in the early 2000's, which allows a single entity to buy an unlimited amount of .com.au or .net.au domains by simply supplying a single link on a web page to a service matching the domain name.
>
> One of the results of this change is that 3,386 registrants now hold 582,895 domains in Australia. This can be regarded from one point of view as 'Cybersquatting', and from the view of market doing it as "Providing a secondary market".
>
> This behaviour has been exacerbated by the extremely non level playing field in acquiring domain names ie small business or individuals have no hope of competing to get domain names against organised companies with bots and significantly better access to the infrastructure - particularly as some companies doing this have registered themselves as a 'registrar' with auDA.

The current situation is that the rules have ended up having a bet each way ie while there are *effectively* no naming rules - if an entity is prepared to put a 'random' link on their web site – 'traditional' entities still have to comply with the original naming rules.

It's difficult to see how the current rules (see Appendix 2) for .com.au/.net.au could be considered reasonable i.e. the rules would make significantly more sense if they either -

1. Lifted all restrictions, i.e. .com.au and .net.au (i.e. have the same type of rule as .com has)
2. Return to the rules as originally written i.e. to enforce domain names to match entity names.

It is also difficult to see any public benefit in the large dictionary bot buying of domain names that have happened in the .com.au/.net.au space, and as such I would like to see the rules changed back to implement their original function.

This would have the significant public benefit of both increasing trust and credibility on the .com.au/.net.au space, which is the very thing that made these domains valuable in the first place.

The best way of doing this would be the option presented in the Draft Paper

Delete sub para (f) from section 2.4.4 (2) of the .au Licensing Rules

I support this option.

If this option (para (f) removal) is not done, both of the other two options should be implemented regardless i.e.

- *Increase compliance checks in relation to the current rules*
- *Clarify the 'Services' definition and pay per click arrangements and adopt additional administrative rules related to the use of monetised sites*

In addition, I believe the practice of allowing registrar to own and trade in domain names has significantly lowed the public trust in domain names, and has significantly tilted the domain name 'industry' in favour of a small number of players with special access.

I believe banning registrars, and their associated entities, from directly owning domain names should be explored as an option.

It has been raised in the consultation process that entities now use .com.au for things such as events, e.g. (made up) realfastrunbackwards2027.com.au.

This raises the philosophical issue about is this the best purpose for .com.au?

Given that -

1. It is not difficult for an event to register a business name (if that was required to get a domain).

2. .au direct be used for such a purpose ie realfastrunbackwards2027.au

3. It would/could have been possible for auDA to keep names such as event.au reserved, and then allow names like realfastrunbackwards2026.event.au

   Note: event.au (and events.au) has already been scooped up by a 'Domain Speculator' (drop.com.au), although as they are currently not being used – (no A/MX record etc, see Appendix 4) **- auDA could simply re reserve this (or both) names for events if they wanted to.**

As such, I do not believe issues like domain names for events would preclude going back to the original naming practice for .com.au/.net.au.

Recommendation 1 &2:
a) The current domain monetisation for .com.au and .net.au should be reviewed.
b) I support the option "Delete sub para (f) from section 2.4.4 (2) of the .au Licensing Rules".
c) A review of if registrars should be allowed to own/trade domain names should be instigated.

RECOMMENDATION 3

The Panel recommends continuation of the current process for the contested .au direct name allocation process.

I strongly disagree with this recommendation.

The Panel’s decision not to resolve the issue of contested domain names has left approximately 3000 entities in limbo - and subject to the vagaries of a yearly application process. It also burdens both auDA and registrars with administrative work.

The draft report talks about the NZ approach which is effectively locking up contested names, with (most probably) auctioning them off at a future date.

The current approach of auDA is leading to the same (NZ) result sometime in the future by default, which I do not support.

The Draft Paper should suggest both a resolution method and a time frame for its implementation.

In addition, given many of these names are being contested by long lived-entities (trusts, companies, government), it is likely many contested domains may never be resolved *unless* auDA decides on a process – **which it should do now.**

What should that process be?

The results from the survey (Appendix 6) that was sent to auDA members clearly showed that “Earliest Registration Date” was the most supported option. It was also the most supported at the forums I attended.
It is also in line with current ‘foundation policy’ of ‘first come, first served’, **which was not fully explored in the Draft Report.**

Specifically, the Draft Report states (Page 12) -

“The Panel has not been able to identify any class of contesting parties more deserving than the others in a contest. And in fact, the Panel is concerned that a decision on that basis could interfere with the principle of no hierarchy of rights (Rule 1.3.1 (7) and defined in Rule 1.4 of the Licensing Rules), which is one of the fundamental principles of the Licensing Rules. And in fact, the Panel is concerned that a decision on that basis could interfere with the principle of no hierarchy of rights (Rule 1.3.1 (7) and defined in Rule 1.4 of the .au Licencing Rules), which is one of the fundamental principles of the Licensing Rules.”

This is not a complete or adequate evaluation of the issue, as -

1. Quoting the Domain Administration Rules as a reason not to make a decision is unreasonable as auDA can change these rules as required, indeed, that is what this review is

for ie to recommend rule changes.

2. “No Hierarchy of Rights” was ***not*** implemented in the initial allocation of the new .au direct - as priority was given to existing names held for a certain period. This is what has caused the contested .au direct issue in the first place.

3. “No Hierarchy of Rights” is **only part** of Rule 1.3.1(7). The full Rule – my emphasis in bold – states:

   *(7) preserves the fundamental principles of No Proprietary Rights in a Domain Name, **First Come, First Served,** and No Hierarchy of Rights.*

   ie Rule 1.1.1(7) has three components -
   1. *No Proprietary Rights in a Domain Name*
   2. ***First Come, First Served,***
   3. *No Hierarchy of Rights*

   “First Come, First Serve” is on the same level and basis as No *(other)* Hierarchy of Rights, in fact it is a **specific right that overrides** the more general ‘No Hierarchy of Rights’.

4. Given this, there is clear fundamental policy support for the contested domain to go to the “first come” domain, which could be interpreted as either -

   1. the holder of the oldest qualifying name, or
   2. the holder of a qualifying name who first applied for the contested domain.

5. In summary, ***all*** the principles in Rule 1.3.1, not just one part of it, should be assessed.

Given the feedback from auDA members, **and** the fundamental support in the current rules, awarding the **contested domain to the holder of the longest registered domain** would be seen as fair and practical to both domain holders and the general public.

This would be substantially better than the alternative “first to apply for the contested domain”, as that was not a ‘time based’ application process ie entities had to a certain date to apply, and could all be regarded as having done so on the same date and time (the closing date for applications).

Further Considerations

There may be specific cases for contested name resolutions that *may* result in situations where giving the contested domain to the longest registered domain holder is not ideal.

The two that have been mentioned in the draft paper, or during consultation sessions, are:

1. *Significant Government entities*

   If this is the case I believe the government entity should get the name. For example see the contest domain ato.au in Appendix 3.

However, this should only be for **significant government entities –** ie major federal ones like the ATO.

2. .net.au names that were bought (in the 90's) before .com.au names were available.

   I am not aware specifics of this problem, as .com.au names were available from the early 1990's, and anyone who couldn't get a .com.au most likely bought the .net.au anyway. How many of these are there, and what is the issue?

Other issues that I think need to be addressed are -

3. Should it be a consideration if a domain is unused?

   If, for example, one of the underlying domains (that has resulted in a contested domain issue) is not used (Appendix 4) should a **used** domain have priority?

4. Should .com.au have priority over .net.au, org.au etc?

As there are only 3000 contested names it should be straight forward to review each domain and see if any – rare – specific case apply.

If there is a substantial and significant reason for a handful of contested domains not to be give to the oldest underlying domain holder then the auDA board can make a specific decision in those cases.

However, the overwhelming rule should be that the underlying oldest domain gets the contested domain, under the core principle of "First Come, First Serve".

I highly encourage auDA to establish a clear process, with a set implementation timeline. This would allow all stakeholders to make any necessary preparations in advance of the rollout, which may also encourage entities to reach an agreement over contested domain names before that implementation date.

Recommendation 3. I do not support

Instead:
Recommendation 3.1: The Panel recommend that contested .au names are to be resolved.
Recommendation 3.2: The Panel recommend the resolution be primarily through a "first come, first served" basis, and for this to be implemented on a specific date in 2027.

RECOMMENDATION 4.1

Remove the requirement under Rule 2.6.7 of the .au Licencing Rules for auDA to publish the reserved list.

RECOMMENDATION 4.2

auDA should publish the criteria on which it decides to put a domain name in a reserved list, and release aggregate metrics, such as number of Reserved Names, number of reversals that are being or have been reviewed, and average time taken from detection to reservation over periods of time.

I agree with both 4.1 and 4.2 recommendations.

I agree with both 4.1 and 4.2 recommendations.

RECOMMENDATION 5.1

The Panel recommends that the complaints process in Part 3 of the .au Licencing Rules include complaints in relation to audits performed by auDA.

RECOMMENDATION 5.2.

The Panel recommends that the scope of the 'affected person' is broadened appropriate to Rules 3.6.1 and 3.8.1 of the .au Licencing Rules such that they can demonstrate an interest in the domain name adequately.

While I understand in principle why this recommendation has been given, I think it is a particularly courageous (see "Yes Minister") decision.

Many institution around the world are massively struggling with the volume of AI generated queries/complaints/requests etc.
If auDA open this category to anyone with 'an interest' programs are going to be run and auDA will get many many more review requests – which it will struggle to manage and process.

In addition, it would create increased demand on the registrars and the holder of the domain being reviewed.

I support recommendation 5.1 **I do not support the 5.2 recommendation, and it should be dropped.** **The current rule is working, and I strongly suspect auDA will substantially regret opening reviews to anyone 'interested', as will domain holders with a legitimate and specific cause for a review.**

RECOMMENDATION 6

The Panel recommends amending the following rules regarding the domain lifecycle:

a) Remove the 90-days renewal window within Rule 2.14.1 of the .au Licencing Rules and allow registrant to renew domain licences anytime during the lifetime of the domain until the expiration of the licence;
b) Increase the cooling-off period from 3 days to 5 days in relation to Rule 2.15.4 of the .au Licencing Rules;
c) Amend the redemption periods and apply a consistent deletion period with 30 days redemption period (to standardise along the lines of international best practices); and
d) Increase the pending/hold period from 1 day to 5 days (time between the redemption and purging of the domain name).

I agree with recommendation 6, it should have been done years ago.

RECOMMENDATION ON PAGE 61

The Panel recommends that the .au Licensing Rules be amended to include information, along the lines of section 2.8.1 of the Registrar Rules, about how registrants can use role-based descriptions in the WHOIS to limit publication of personal information.

This recommendation has not made it to being a ‘numbered recommendation’ and it should be.

While the Draft Report states that role based definitions can be used for information displayed in whois, in practice can be difficult or impossible to do - as registrars sometimes do not have it as an option.

The main issue is that an email address has to be publicly available, which directly leads not only to spam, but also scams. ie I receive multiple ‘renew’ forms for my .au domains, all of them (if I wasn’t being cautious) costing more money that my real renewal – and some of them in the fine print selling my domain to them..

Other domains, ie .com, allow ‘identity protection’ which can help with this issue.

So while I support the recommendation on page 61, it would be better if auDA could also investigate the same ‘identity protection’ systems that other domains have.

I support the recommendation on page 65. auDA investigate the ‘identity protection’ offered in other jurastictions.

RECOMMENDATION 7: *The Panel recommends that the current approach to scams under the .au Licensing Rules be retained, and further, auDA should work with NASC to continually refine the approach to dealing with scams in the .au.*

While I concur with the recommendation, more could be explicitly done without going as far as making auDA an arbiter of content, or the implementation of option 1.

A worthwhile improvement would be that auDA could specifically include a request from NASC (and/or the ACCC) in Rule .2.17.2.(1) (and Rule 2.17.4, and Rule 2.17.6).

The current rule is:

> *2.17.1 The .au Domain Administration may suspend or cancel a Licence or take any necessary action when it is in the Public Interest.*
> *2.17.2 Before undertaking any action specified in paragraph 2.17.1, the .au Domain Administration must:*
> *(1)* ***have received a request from an Enforcement Body or Intelligence Agency; and***
> *(2) believe on reasonable grounds that the action is in the Public Interest and satisfies one or more of the Public Interest objectives specified in paragraph 2.17.3.*

While it is true that the ACCC is an Enforcement Body (see Appendix 1) it seems a bit strange that the Privacy Act specifies ACC not ACCC in part (b) of the definition (I assume it would be included under part (f) anyway).

However, given the ongoing consumer impacts of internet-based scams, I believe the ACCC and NASC (which is a part of the ACCC) should be specifically added to 2.17.2.(1)

Thus if NASC had concerns with a specific website they could clearly and directly be able to request auDA to suspend or cancel the license under rule Rule 2.17.

This addition would be best done by editing the rules to add referring to a new entity in the Rule 2.17, ie changing all occurrences of “Enforcement Body or Intelligence Agency” with something like “Requesting Agency” and then define (earlier) “Requesting Agency” to be

1. Enforcement Body
2. Intelligence Agency
3. National Anti-Scam Centre
4. Australian Competition and Consumer Commission

This would allow for a clearer understanding of the process of removing domains which may be causing problems, overseen by the appropriate government agency, and could be added to as required in the future.

I support recommendation 7 but wish to see it revised to specifically include ACCC/NASC as a referring authority in 2.17.

RECOMMENDATION 8*: the .au Licensing Rules should incorporate clear information about a registrar's obligation to contact a registrant in the case of suspension, cancellation or expiry of a domain name and there should be an uplift in the frequency and method of contact.*

I strongly support this option, and have heard many times that people have lost domain names due to poor communications (or third party services). This is exacerbated by lapsing domains automatically being bought by monetisation entities with programs (bots).

The register should be required to contact the registrant by all means possible, including sms.

In addition, it would be good if registrants were made more aware (by registrars) of their exposure if a third party is managing their domains with a registrar.

I support recommendation 8.

RECOMMENDATION 9: *The Panel recommends adoption of flexibility within the compliance posture to facilitate a Registrant transition to another appropriate namespace once they have ended their commercial operations and they no longer meet the com.au eligibility.*

This recommendation fails to address the issue, which was also raised in the online sessions and submission (such as the submission by Daniel Underhill).

It is difficulty for me to understand what the 'flexibility' in recommendation 9 encompasses given that the draft paper has not considered specific options.

Many people have been using .com.au name for decades, and have used the same email addresses for the entire time. As I myself have done.

It is an extensive and time consuming task to even get a majority of the people (and companies) who have your email address to change it – it is close to impossible to find them all. The end result of this is that many people will **have to** keep their eligibility alive for a .com.au domain well after they might otherwise want to, which may be difficult if a company is winding up as the principles retires.

A simple solution to this would be that a domain no longer had to meet eligibility requirements after a certain time period.

Or it could be exempt from eligibility requirements for a time depending on how long the domain was held.

At a minimum long term domain names could be exempt from requirements until the next renewal.

The Draft Paper should be expanded to include a discussion on how this issue might be addressed, with a recommended path forward – even if at that point the decisions is to do nothing.

I do not support recommendation 9, and instead request that the panel consider this item further.

Appendix 1: Enforcement Body Definition

From Privacy Act 1988 -

enforcement body means:

(a) the Australian Federal Police; or

(aa) the National Anti-Corruption Commissioner; or

(ab) the Inspector of the National Anti-Corruption Commission; or

(b) the ACC; or

(c) Sport Integrity Australia; or

(ca) the Immigration Department; or

(d) the Australian Prudential Regulation Authority; or

(e) the Australian Securities and Investments Commission; or

(ea) the Office of the Director of Public Prosecutions, or a similar body established under a law of a State or Territory; or

(f) another agency, to the extent that it is responsible for administering, or performing a function under, a law that imposes a penalty or sanction or a prescribed law; or

(g) another agency, to the extent that it is responsible for administering a law relating to the protection of the public revenue; or

(h) a police force or service of a State or a Territory; or

(i) the New South Wales Crime Commission; or

(j) the Independent Commission Against Corruption of New South Wales; or

(k) the Law Enforcement Conduct Commission of New South Wales; or

(ka) the Independent Broad-based Anti-corruption Commission of Victoria; or

(l) the Crime and Corruption Commission of Queensland; or

(la) the Corruption and Crime Commission of Western Australia; or

(lb) the Independent Commission Against Corruption of South Australia; or

(m) another prescribed authority or body that is established under a law of a State or Territory to conduct criminal investigations or inquiries; or

(n) a State or Territory authority, to the extent that it is responsible for administering, or performing a function under, a law that imposes a penalty or sanction or a prescribed law; or

(o) a State or Territory authority, to the extent that it is responsible for administering a law relating to the protection of the public revenue.

Appendix 2: Rule 2.4.4

2.4.4 A Person applying for a Licence in the com.au and net.au Namespaces must be:
(1) a Commercial Entity; and
(2) the domain name applied for must be:
- (a) a Match of the Person's company, business, statutory or Personal name; or
- (b) an Acronym of the Person's company, business, statutory or Personal name; or
- (c) a Match of the Person's Australian Trade Mark; or
- (d) a Match to or an Acronym of a name of a Related Australian Body Corporate or
- (e) a Match or an Acronym of a name of:
  - (i) a partnership of which the Person is a partner;
  - (ii) a trust of which the Person is a trustee; or
- (f) a Match or Synonym of the name of:
  - (i) a Service that the Person provides;
  - (ii) Goods that the Person sells (whether retail or wholesale);
  - (iii) an event that the Person registers or sponsors;
  - (iv) an activity that the Person facilitates, teaches or trains;
  - (v) premises which the Person operates

Appendix 3: ato.au

The case of ato.au is raised in the draft paper as an example of (possibly) a government owned domain name having precedence in the contested process.

I believe it would be widely accepted that this should be the case for significant institutions, such as the ato, as it would be unfortunate if someone could use ato.au to pretend to be the tax office.

However, I think only **significant federal government bodies** should be considered when deciding to override 'first come, first serve'.

The two domains contesting for ato.au are **ato.com.au** and **ato.gov.au**

ato.gov.au is the official government web site of the Australian Tax Office

ato.com.au seems to be held by a 'Domain Speculator' ie not only is there no functioning web site it is a fully unused domain (See Appendix 4).

Cases such as these should be relatively straight forward to sort out, and should be done asap. i.e. in this case the contested domain should go to the tax office.

Appendix 4: Unused domains/Domain speculators

While writing this submission it became apparent that quite a few domain names are unused, which I define as either:

1) No (public) response from the stated name servers for that domain, or
2) a response but it does not include at least one of A, AAA, CNAME, or MX record.

I used https://dnschecker.org/ to request the records.

This is 'unused' at level lower than a 'parked' domain which would have a placeholder, which could possibly also be included as 'unused' – particularly if there is no function to the web site AND no mx record for email.

This raises the issue of how many contested domain names are contested because of an unused domain name?

These unused domains tend to be owned by 'Domain Speculators' – entities that have no inherit interest in using the domain themselves but simply hold many domains so that they can be sold.

In principle, should a working domain lose out against an unused domain in the contested process? How many of them are there, and is there a clear pattern?

Appendix 5: Are domain names relevant anymore?

In the early days, internet domain names were not only important to say who you were, but were also an important tool for consumers to find your site.

Since then search engines have taken over – and if they produce your site for users to click on, should it matter if a site is called a random string of letters ie dsflsajflasdtghr.com.au?

Does it matter what domain your business has? Are the .com.au name rules important?

Yes.

When people look at search results they will often decide *which* result to click on based on the domain that it is going to. Having a domain that is close to your business name helps them find **you**.

In addition, customers still learn names and recognises sites they have used before, which can give them confidence to go back again. They will also search for your business name to find you again.

e.g. I’ve been know to use https://www.sparkydirect.com.au/ which is owned by “SPARKY DIRECT PTY LTD” - which I know I can find by typing in ‘sparky’ to google.

If there is a coupling of domain names and the business names this increase the overall trust in the domain name system, and this is how .com.au was originally set up.

That business did this is why I believe .com.au names did have a higher legitimacy than domains in other jurisdictions.

Appendix 6 – Survey questions

The survey asked auDA member to order the following contention name resolution processes -

- Earliest Registration Date: Allocate the domain to the applicant who first registered their matching legacy domain.
- Continuation of Current Approach: Keep domains on priority hold until all but one party withdraws.
- Auction (Open): Auction the domain to anyone with an Australian presence.
- Auction (Closed): Auction the domain exclusively between the contesting parties.
- Name Removal: Remove the contested name from eligibility entirely.
- Shared Ownership: Explore a shared use or co-existence model.
- Arbitration/Mediation: Mandate a dispute resolution process