

Proposed additions to the Reserved Names List (December 2021)

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1 Introduction

Education Services Australia (ESA) is a national, not-for-profit company owned by all Australian education ministers. It was established to support the delivery of national priorities and initiatives in the schools, training and higher education sectors. ESA traditionally delivers large-scale technology infrastructure projects, with a pedagogical instructional design component.

ESA has provided registrar services for the closed edu.au second level domain for nearly two decades. As the edu.au Domain Registrar, ESA reports to the edu.au Advisory Committee (EAC), which includes representatives from the Higher Education, VET and Schools sectors across the States and Territories of Australia. eAC in turn operates as an Advisory Committee to .au Domain Administration Ltd (auDA) board.

The response below is provided by ESA in its capacity as the edu.au domain registrar.

2 Response

ESA is broadly supportive of the proposed additions to the Reserved Names List. Specifically, the names cited with regards to addressing security concerns such as those that could be deemed misspellings, confusingly similar or misleading in reference to the edu.au second level domain, the concatenated versions of the third level child zones for the edu.au name space, and the inclusion of autodiscover.au with several education institutions having expressed concerns if the latter was to be permitted.

However, ESA and eAC's predecessor, the .edu.au Domain Administration Committee (eDAC) has previously raised a number of concerns throughout the various public consultations and reviews relating to the .au Licensing Rules and .au Namespace Implementation throughout 2017-2019 that are not fully addressed by the proposed list. Preliminary discussions to address these concerns had taken place before eDAC was reconstituted. The relevant sections from the most recent submissions in each case have been provided in the appendix.

Additionally, ESA would like to both reiterate and provide the following comments and feedback:

- Several generic education and training terms, particularly those that encompass entire sectors of education and training should be added to the Reserved List. They have the potential to adversely reflect on or target those sectors by appearing to be authoritative/representative without their registrants being required to adhere to the eligibility and allocation criteria applied in the edu.au domain. With the minimal allocation criteria being applied to .au direct in general, there is an increased possibility for this.
- ESA would seek assurances from auDA that any name found to be operating as a "de facto" new second level domain, or private or unofficial registry whereby sub-domains or other services attached to a domain are sold to or used by an entity other than the registrant, will be suspended or cancelled under Sections 2.11.9 and 2.11.10 of the .au Licensing Rules. Such names should also be considered for the Reserved List or brought into the registry as a new second level domain (as has been required for several edu.au child zones) and in the latter case, added to eAC's remit if education or training related.
- In addition to a list of names flagged as being a security risk, that wording be added to this section of the Reserve List indicating and acknowledging that these names constitute an initial list or exemplars and not a definitive or final list. This is with the aim of better allowing auDA to amend the list in response to additional misspellings, confusingly similar or misleading names that will no doubt be discovered and potentially abused once .au direct launches, again considering the minimal allocation criteria associated with the new name space and prevalence/ever increasing number of phishing attacks more broadly.

- That the two remaining edu.au child zones, education.tas.edu.au and .schools.nsw.edu.au be granted the same protections as the lower level child zones, and educationtasedu.au and schoolsnswedu.au be added to the Reserved List.
- Based on the headings in the list, it does not appear to include any names that have been reserved on the primary basis of it being within the public interest and ESA notes that there had been significant discussion about reserving such names during the Policy Review Panel regarding both the .au Licensing Rules and .au Namespace Implementation. ESA would seek clarification from auDA as to whether this infers that a name suspended or cancelled under 2.17 of the .au Licensing Rules will not be considered for or automatically be added to the Reserved List. Will auDA be relying on the complaint handling process to only suspend or cancel such names if abused or will there be a mechanism in place to add such names to the Reserve List that meet an objective under Section 2.17.3.

3 Appendix

3.1 eDAC Submission to Prior Policy Panel Issues Papers

eDAC would object to the granting of any direct registration that involved the use of generic words relating to education and training, such as ‘education’, ‘pre-schools’, ‘colleges’, ‘RTO’ and ‘training’. The establishment of such direct registrations in a domain space that did not have tight eligibility and allocation rules applied in the edu.au domain is likely to pose a competitive threat to the edu.au domain and ultimately its long-term sustainability particularly if they are used as a vehicle for fraudulent or sharp business practices that adversely reflect on the education and training sector.

Current edu.au domain name allocation policy (Schedule 2 to the edu.au Registration Policy) prohibits the registration of domain names that are:

Generic education and training words (e.g. school; university; elearning; workskills; TAFE; business, science; training) or combinations of generic education and training words. This includes instances where:

- Generic education and training course names are proposed as the basis for a domain name; or
- Types of education and training are proposed as the basis for a domain name.

eDAC proposes that policy for .au direct registration prohibit the registration of domain names that involve generic education and training words. The policy should include a list of generic education and training words covered, but with a mechanism for eDAC to advise auDA of other generic words that should be added to the list. The initial list would include words such as:

- School and schools
- TAFE
- Education
- RTO
- Training; and
- College and colleges
- University

eDAC is also aware of the risk, in education and training as well as in other spheres, of the emergence of de facto (private or unofficial) registries based on new second level domains.

3.2 ESA Submission to Prior Policy Panel Issues Papers

The edu.au Domain Registrar shares eDAC's concerns regarding generic education and training terms being permitted for direct registration. These concerns do not appear to have been addressed or referenced in the January 2018 issues paper.

The edu.au Domain Registrar believes that generic education and training terms should be reserved from registration in the .au domain namespace as they would present a risk to the sustainability, operational stability and reputation of the edu.au second level domain and its registrants. This is because they could:

- present an increased risk for the creation of “de facto” new second level domains, by the creation of private or unofficial registries whereby sub-domains or other services attached to a domain are sold to or used by an entity other than the registrant
- adversely reflect on or target the education and training sector by appearing to be authoritative/representative, without their registrants being required to adhere to the eligibility and allocation rules applied in the edu.au domain, and by extension could facilitate fraudulent or misleading business practices
- adversely impact the education and training sector through registrants gaining an unreasonable advantage over other education and training entities that may be operating in the same sector or offering the same or similar services.

As such, the edu.au Domain Registrar believes that generic education and training terms should be reserved or prohibited from registration. The exact terms to be prohibited should be identified and advised by eDAC.

The edu.au Domain Registrar would also stress the need for auDA to ensure robust policy documentation and strong enforcement mechanisms (such as the rapid de-registration or suspension of direct registrations that are used as unofficial registries) are in place to counter the potential for unofficial registries and to avoid undermining the edu.au domain.

Finally, rather than replacing the Prohibition on Misspellings Policy, the edu.au Domain Registrar believes that this policy should be incorporated into a public interest test. In light of the implementation of direct registration, the edu.au Domain Registrar also believes that the Prohibition on Misspellings Policy should be expanded to include existing second level domains so that names that are potentially misleading or confusing when registered at the second level and deliberate misspellings of 2LD categories, such as comm.au, nett.au or con.au, or that end in edu (e.g. vicedu.au) would be prohibited.

The edu.au Domain Registrar believes that this public interest test should also be applied to contested domains in the priority registration period for direct registrations, to ensure that domains that fail the public interest test do not secure the priority registration in the .au namespace.