Submission to the .au Licensing Rules Review 2025

Reply to the auDA Policy Advisory Panel from Synergy Wholesale Accreditations (Registrar):

Please find below our direct feedback regarding Recommendations 2 and 3 from the Draft Report.

Response to Recommendation 2: Allocation rules for com.au and net.au

We strongly oppose Option 3, which proposes deleting subpara (f) from section 2.4.4 (2) of the .au Licensing Rules.

We understand this option is being considered because the provision of a service is sometimes used as a loophole for monetised websites to meet allocation rules. However, removing this rule entirely is completely disproportionate to the issue auDA is trying to fix. It is like bombing a city to deal with an ant hill.

Deleting this section will cause massive collateral damage, stifling innovation and unfairly restricting small businesses that lack the capital to register multiple business names or trademarks just to promote their specific services.

Real-world impacts on Australian businesses:

- A sole trader plumber in Glen Waverley trading as *Garry's Water Works* would be blocked from registering plumberglenwaverly.com.au.
- An electrician specialising in high-voltage work trading as *Peter's Electrical* could not register HiVoltageWork.com.au.

This rule change would also contradict the established practices of a very large proportion of Australian Companies and Sole Traders, including major Australian corporations, for marketing specific services and campaigns.

Conducting a 5-minute look into domain names, we have already found these examples;

- premierratings.com.au (Sportsbet Pty Ltd)
- figtreehill.com.au (Stockland Corporation Ltd)
- historyiscoming.com.au (AFL)
- earnmorepoints.com.au (American Express Australia Ltd)
- packedwithbenefits.com.au (American Express Australia Ltd)
- powerup.com.au (TPG Telecom Ltd)
- fastfourworldcup.com.au (Tennis Australia Ltd)
- performancedrive.com.au (CarLoans.com.au Pty Ltd)
- novatedonline.com.au (Toyota Finance Australia Ltd)

If you were to look deep into the .au namespace, you would very shortly realise how much of a major impact this would make.

While all of these domain names relate to promotions or parts of their business, they would not be able to retain these domains under the rule changes without significant time and cost to become compliant. With a ***conservative*** estimate that this would affect 10% of the current domains under management, you are talking about over 400,000 domain names where trademarks, business names and other work needs to be done to remain compliant, all the while the name they have used to enhance their business will be taken out from underneath them.

Ultimately, introducing this rule change would disrupt the very significant population of registrants in the .au domain space to address an issue relevant to a **very** small minority; this is the exact definition of a highly disproportionate response.

Our Proposed Alternative:

Allocation rules are currently too complex and confusing for the general public and, at times, even for auDA's trained compliance team. We recommend removing allocation rules entirely to remove complications for registrants. Tightening the rules will only make it harder for everyday Australian companies and sole traders.

Instead, we recommend imposing a limit on the number of domain names an ABN can hold per registrar (e.g., 20). If an entity needs more than 20 domains, it must go through an approval process to prove the names are being used legitimately and not hoarded for resale.

Going through our domains under management, we have found that only a VERY small percentage of registrants hold a large number of domains under their eligibility details, showing that a very small population would be affected by these changes.

0.81% of all registrants hold more than 20 domain names
0.44% of all registrants hold more than 30 domain names
0.29% of all registrants hold more than 40 domain names

Some food for thought for auDA and the licensing review panel. If you feel you can not remove allocation rules from .com.au as it will put at risk how credible and trustworthy the space is, does that mean that auDA considers direct .au not to be credible and trustworthy? As direct .au has no allocation rules.

Response to Recommendation 3: Contested .au direct domain names

We do not believe that maintaining the current status quo for contested .au direct names is an acceptable outcome, as it essentially leaves the issue unaddressed.

The current system, where contested names remain in limbo unless a party withdraws or fails to renew annually, is fundamentally flawed. This inaction causes unnecessary manual work for everyone involved and endlessly drains registrants' money with no possible end in sight. The system is taking money to give absolutely no service or benefit.

auDA needs a definitive plan to permanently close this issue, rather than dragging it out for the next 20 to 30 years. Given that this was the most-discussed subject at auDA's open forums, it's obviously an issue for the community in its current form. We are perplexed, given how many people have issues with it, that the panel has decided to do nothing about it. It honestly makes us wonder if auDA are actually listening to the community.

Our Proposed Alternative: Implement an "oldest gets it" policy. This was heavily supported in community meetings. While we acknowledge that the Panel struggled to find an alternative that pleases everyone, it is impossible to please all parties in a contest. A decisive "oldest gets it" rule provides a clean, immediate resolution to a problem that otherwise has no foreseeable conclusion.