

.au Domain Administration Rules: .au Direct Priority Implementation

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.au DOMAIN ADMINISTRATION RULES

.au Direct Priority Implementation

1.1 OVERVIEW

On 18 April 2016, the Board of .au Domain Administration Limited approved second level domain name registration in the .au namespace. This will allow Australian users of the Internet to register a name directly before the dot in .au, for example, *auda.au*.

These .auDA Priority Rules specify the process to be followed for the implementation of .au direct, including details on the:

- Commencement date
- Priority Status (Category 1&2)
- General Availability
- Resolution of multiple applications for the same domain name

Go to www.auda.org.au/au-domain-names/au-direct to find out more.

- 1.1.1 These .au Domain Administration Rules (.auDA Priority Rules) have been made by .au Domain Administration Limited (ABN 38 079 009 340) (.au Domain Administration) in its capacity as the administrator of, and Australian self-regulatory policy body for, the .au ccTLD.
- 1.1.2. The .auDA Priority Rules govern the process for determining the priority for the allocation of names in .au direct including by:
 - (1) a Person who makes an application for Priority Status to register in .au direct; and
 - (2) a Registrar under the Registrar Accreditation Agreement.
- 1.1.3 An application for a licence in .au direct is governed by the .auDA Licencing Rules. In the event of a conflict between the .au Priority Rules and the .auDA Licensing Rules, the .auDA Licensing Rules will prevail.
- 1.1.4 In the .auDA Priority Rules words in capitals have the meaning as defined below or as set out in the .auDA Licensing Rules. Examples are provided for convenience and illustrative purposes only and do not affect interpretation. The singular includes the plural and conversely.

1.2 OBJECTS

1.2.1 The objects of the .auDA Priority Rules are to:

- (1) establish a transparent and equitable process for determining priority of applications for names in .au direct;
- (2) provide protection to existing Registrants of Eligible licences as recorded in the Registry Data at the Commencement date in order to ensure public confidence and trust in .au; and
- (3) implement an efficient and effective dispute process for determining the priority of applications for names in .au direct.

1.3 COMMENCEMENT

1.3.1 The .auDA Priority Rules will commence on 24 March 2022 at 00:00 Coordinated Universal Time (UTC).

1.3.2 The Commencement Table below specifies the relevant timings for the .au direct implementation:

	Application Period	Priority Registration Period
Priority Status (Category 1)	24 March 2022 to 20 September 2022	Ongoing
Priority Status (Category 2)	24 March 2022 to 20 September 2022	24 March 2022 to 20 September 2022
General Availability	Not applicable	Not Applicable

1.3.3 .au Domain Administration must undertake a review of the .auDA Priority Rules at 12 months, 18 months, 24 months and 30 months after the Commencement date.

1.3.4 The Board of .au Domain Administration may, at its sole discretion, specify an end date for the Priority Registration of Priority Status (Category 1) domain names.

1.4 DEFINITIONS

In the .auDA Priority Rules:

.au direct means the registration of licences at the second level of .au.

NOTE: For example: auDA.au

Application period means the 180 calendar day period after the Commencement date, in which an eligible Person can make an application for Priority Status to the Registrar.

Australian presence means:

- (1) an *Australian resident* who is an Australian citizen or a permanent resident visa holder;
- (2) a company registered under the *Corporations Act 2001* (Cth);
- (3) a *Registrable Body* means a registrable Australian body or a foreign company under the *Corporations Act 2001* (Cth) which has an Australian Registered Body Number (ARBN);
- (4) an Incorporated Association under State or Territory legislation;
- (5) an entity issued with an Australian Business Number under the *A New Tax System (Australian Business Number) Act 1999* (Cth);
- (6) an *Indigenous Corporation* registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) on the Register of Aboriginal and Torres Strait Islander Corporations;
- (7) a *Registered Organisation* that is:
 - (a) an association of employers;
 - (b) an association of employees (union); or
 - (c) an enterprise association;registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) and which appears on the Register of Organisations;
- (8) a *Cooperative* registered under State or Territory legislation and which appears on the State or Territory register of cooperatives;
- (9) a *Charity* registered under the *Australian Charities and Not-for-Profits Act 2012* (Cth), and which appears on the Australian Charities and Not-for-Profits Commission's Charities and Not-for-Profits Register;
- (10) a *Political Party* registered under the *Commonwealth Electoral Commission Act 2012* and which appears on the Register of Political Parties;
- (11) a *Partnership* under the relevant Australian State or Territory law where at least 60% of the partners are Australian citizens or permanent resident visa holders or an Australian body corporate;
- (12) an *Unincorporated Association* formed in an Australian State or Territory with at least its management committee being Australian citizens or permanent resident visa holders;

- (13) a *Trust* where the trustee must be an Australian citizen or the trustee is an Australian body corporate;
- (14) an *Educational Institution* regulated under an Australian State, Territory or Commonwealth law;
- (15) *Government*, being either the Crown or a Commonwealth, State or Territory statutory agency;
- (16) a *Commonwealth entity* as defined in section 10 of the *Public Governance, Performance and Accountability Act 2013* (Cth);
- (17) an *Australian Trademark* application or registration in circumstances where a Person does not meet any other Australian Presence requirements but who has applied for or registered a word mark under the *Trade Marks Act 1995* (Cth), and who thereby may apply to register a domain name that is an exact match of the word mark applied for or registered.

Authorisation code is a priority-token containing a username and password assigned by the Registry to each eligible Registrant for the purposes of applying for Priority Status.

Commencement date means 24 March 2022 at 00:00 UTC.

Complaint has the meaning given to it in the Licensing Rules and for the purposes of the .auDA Priority Rules includes an *expression of dissatisfaction* made to a Registrar, or in the case of an Industry complaint an *expression of dissatisfaction* made to auDA, as applicable, by a Person in relation to its application of the .auDA priority Rules, where a response or resolution is explicitly or implicitly expected by that Person.

Creation date means the original creation date of the domain name as recorded in the Registry.

Cut-off date means 4 February 2018 at 23:59:59 UTC.

Designated person means the Person who the multiple applicants for the same domain name, have agreed should be the sole Person to register that name in .au direct.

Domain name means a unique identifier consisting of a string of alphanumerical characters registered in a designated namespace and recorded in WHOIS data.

Eligible licence means a licence which is:

- (a) in the following namespaces: .com.au, net.au, org.au, asn.au, id.au, vic.au, nsw.au, qld.au, act.au, sa.au, tas.au, nt.au, wa.au, edu.au, vic.edu.au, wa.edu.au, tas.edu.au, nt.edu.au, schools.nsw.edu.au, education.tas.edu.au, nsw.edu.au, act.edu.au, eq.edu.au, qld.edu.au, sa.edu.au, catholic.edu.au, gov.au, vic.gov.au, nsw.gov.au, act.gov.au, sa.gov.au, tas.gov.au, and wa.gov.au;
- (b) recorded in the Registry; and

- (c) valid under the auDA Published Policies in effect immediately prior to the Commencement date; and
- (d) does not include csiro.au, and nt.gov.au.

General Availability means the point in time after the Commencement date, when applications to register a licence in .au direct may be received from any eligible Person under the Licensing Rules.

Industry complaint has the meaning given to it in the auDA Complaints Policy dated May 2015.

Licence means a non-exclusive, non-transferable, revocable licence issued by .au Domain Administration, to a Person to use the Domain Name System (DNS) with a unique identifier of their choice.

No hierarchy of rights means that a person has no better entitlement to a name in a namespace than any other person and that no namespace is of greater or lesser value than another namespace.

NOTE: For example, a trademark rights holder has no better entitlement to the same name in a namespace than any other person.

No proprietary rights in a domain name means a Registrant has a licence to use the Domain Name System (DNS) with a unique identifier (a domain name) for a specified period in a specific namespace, subject to terms and conditions. A Person may dispose of a licence by transferring it to an eligible third party, cancelling the licence or failing to renew it. A Person does not legally 'own' a domain name.

Person means:

- (1) a Commonwealth, State or Territory Minister;
- (2) a Commonwealth, State or Territory statutory authority;
- (3) a Commonwealth entity;
- (4) an Australian company;
- (5) a Registrable Body;
- (6) an Incorporated association;
- (7) an Indigenous corporation;
- (8) a Registered Organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth);
- (9) an Incorporated limited partnership under State or Territory legislation;

- (10) a Cooperative under State or Territory legislation, and which appears on the State or Territory register of cooperatives; or
- (11) a Natural Person who is 18 years or older.

A Person does not include a privacy or proxy service.

Priority allocation process means the process by which Registrants can apply for a .au direct domain name, as set out in the .auDA Priority Rules and the associated materials at auda.org.au/au-domain-names/au-direct.

Priority Closing Date means 20 September 2022 at 23:59:59 (UTC).

Priority Hold means that an .au direct domain name that matches an existing domain name in the Registry Data will be placed on priority hold for the existing Registrant, as contemplated in Rule 1.5.5 of the .auDA Priority Rules.

Priority Status means that an application by a Person with an Eligible Licence for a .au direct domain name has been confirmed as valid under both the .auDA Licensing Rules and the .auDA Priority Rules and the Person is entitled to be granted priority status for the purposes of the .auDA Priority Rules.

Registrant means a Person who is issued a licence to use the DNS with a unique identifier (domain name) and is recorded as the 'Registrant' in the Registry Data.

Registrar means a Person that is:

- (1) accredited by .au Domain Administration as a Registrar; or
- (2) authorised by .au Domain Administration to process Registry Data on behalf of Registrants in regard to a particular namespace.

Registrar of Record means the Registrar recorded as the Registrar for the licence in the WHOIS data.

Registry Data means all data maintained in electronic form in the Registry, including:

- (1) Registrant contact information;
- (2) technical and administrative contact information;
- (3) WHOIS data;
- (4) all other data submitted by Registrars in electronic form; and
- (5) any other data concerning particular registrations or nameservers maintained in electronic form in the Registry Data base.

Reserved name means a name which is withheld from the DNS and is not available for registration by any Person, except in certain circumstances.

WHOIS data means an extract of the domain namespace data which is made available to the public through a WHOIS service provided by the Registry Operator.

Writing includes the recording of words or data in any way (including electronically) or the display of such by any form of communication if at the time of recording it was reasonable to expect that the words or data would be readily accessible so as to be useable for subsequent reference.

1.5 IMPLEMENTATION PROCESS

1.5.1 The implementation of licences for .au direct domain names consists of:

- (1) Priority Status (Category 1) – see Rules 1.5.5 to 1.5.9 and 1.8 and 1.9
- (2) Priority Status (Category 2) – see Rules 1.5.5 to 1.5.9 and 1.8 and 1.9
- (3) General Availability - see Rules 1.5.2 to 1.5.4

General Availability

1.5.2 A Person may apply to register a licence in .au direct from the Commencement date, subject to the availability of the domain name and satisfying the Australian Presence requirement.

1.5.3 A domain name will be available for registration where:

- (1) there is not an Eligible licence with that domain name recorded in the Registry Data immediately prior to the Commencement date; and
- (2) the name is not a reserved name under paragraph 2.6 of the .auDA Licencing Rules.

1.5.4 An application for and a granting of a Licence (as defined in clause 1.4 of .auDA Licencing Rules) in .au direct is governed by the .auDA Licencing Rules.

Priority Status Names

1.5.5 .au Domain Administration will place a Priority Hold on all .au direct domain names in the Registry Data at the Commencement Date, for the duration of the Application period or until the .au direct domain name is allocated according to the .auDA Priority Rules, where an Eligible licence has a creation date:

- (1) before or on the Cut-off date (Category 1); and
- (2) after the Cut-off date and immediately before the Commencement date (Category 2).

1.5.6 Where there is an application for the recognition of priority by a Person with an Eligible licence for the same domain name in Category 1 and Category 2, the domain name will be allocated to the Person who has applied that is in Category 1.

NOTE: For example, there are two applications for recognition of priority with the domain name 'auDA': auda.org.au and auda.com.au. The licence auda.org.au has a creation date of 12 October 2001 and the auda.com.au licence has a creation date of 10 March 2018. The domain name 'auDA' will be allocated exclusively to Category 1 as it is first in time according to the rules that govern the order of priority.

- 1.5.7 A domain name allocated to a Person in Category 1 in accordance with paragraph 1.5.6 will default to be available to a Person who has applied in Category 2 where no applications for that domain name in Category 1 are received before the end of the Application period.

NOTE: For example: The domain name 'auDA' is allocated to Category 1 as the licence auda.org.au has a creation date of 12 October 2001. The Person holding the .auDA.org.au licence fails to make an application for that domain name before the end of the Application Period. The domain name 'auDA' will default to Category 2 as there is an eligible licence 'auda.com.au' with a creation date of 10 March 2018.

- 1.5.8 A domain name which is subject to a Priority Hold under paragraph 1.5.5 will be available for registration by a Person with Priority Status for that name, subject to any requirements under the .auDA Priority Rules and the .auDA Licencing Rules.

- 1.5.9 A Person will only have Priority Status for a .au direct domain name that is an exact match to the domain name of the Eligible licence.

NOTE: For example, auDA Pty Ltd which holds the eligible 'auda.com.au' licence would have Priority Status to register 'auda.au' but not 'auda2.au' or 'aauDA.au.'

- 1.5.10 A Person who applies for a .au direct domain name during the Application Period must follow the Priority allocation process.

- 1.5.11 Once the Application Period ends, all .au direct domain names which were subject to a Priority Hold and have not yet been applied for by the existing Registrant will be generally available.

- 1.5.12 The .auDA Priority Rules do not alter the concepts found in the .auDA Licensing Rules that there is no hierarchy of rights, except to the extent that the .auDA Priority Rules allow for the recognition of priority in relation to a .au direct domain name application and there are no proprietary rights in a domain name.

- 1.5.13 For the purposes of making an application for a licence to hold a .au direct name, Rule 2.3.2 of the Licensing Rules does not apply to those .au direct names that are subject to a Priority Hold.

1.6 PRIORITY STATUS ELIGIBILITY

- 1.6.1 If a Person holds an Eligible licence:

- (a) which has a creation date before or on the Cut-off date; and
- (b) which is recorded in the Registry Data,

the Person may apply for Priority Status (Category 1) to register the exact match of that domain name in .au direct.

1.6.2 If a Person holds an Eligible licence which:

- (a) has a creation date after the Cut-off date and immediately prior to Commencement date, and
- (b) is recorded in the Registry Data

the Person can apply for recognition of Priority Status of the domain name in Category 2 to register the exact match of that domain name at the in.au direct.

1.6.3 A Person whose licence is not recorded in the Registry Data is unable to apply to be considered for Priority Status in.au direct priority allocation process.

NOTE: For example, justice.nt.gov.au is not recorded in the Registry Data, as the Department of Corporate manages the nt.gov.au sub-domains on behalf of the Northern Territory Government.

1.6.4 In order to apply for Priority Status, the Person must:

- (1) hold an Eligible licence with a creation date
 - (a) before or on the Cut-off date (Category 1); or
 - (b) after the Cut-off date and immediately before Commencement date (Category 2);
- (2) be eligible to hold that licence at the time of making the application under:
 - (a) .auDA Published Policies in existence immediately prior to the Commencement date of these .auDA Priority Rules;
 - (b) 2016-02 edu.au Registration Policy; or
 - (c) gov.au Domain Name Guidelines;
- (3) be eligible (within the meaning of Rule 2.4 of the .auDA Licensing Rules) to register a licence in.au direct under the .auDA Licencing Rules;
- (4) not be subject to a dispute resolution or court proceeding in respect to the eligible licence; and
- (5) make the application to the Registrar by or on:
 - (a) The Priority Closing Date for Category 1; or

(b) The Priority Closing Date for Category 2.

1.7 APPLICATION PROCESS

- 1.7.1 A Person who holds an Eligible Licence who wishes to apply for a .au direct domain name that is an exact match to the domain name of the Eligible Licence, must make an application for Priority Status to the Registrar for their Eligible licence using that Registrar's form before the end of the Application Period.
- 1.7.2 If a Person wishes to apply for a .au direct domain name and that Person already holds the unique name as a domain name in multiple namespaces, the Person need only make one application for recognition of Priority Status in relation to that unique name. This application will grant the Person Priority Status in each relevant namespace. .
- NOTE: For example: .au Domain Administration Limited need only make one application for the recognition of the Priority Status of auDA.org.au in order to apply for recognition of Priority Status for auda.au, and need not make applications for auDA.com.au; auDA net.au, and auDA.asn.au as these domains are related to the same unique name.*
- 1.7.3 A Person who wishes to apply for a .au direct domain name must make an application for Priority Status with respect to the relevant Eligible licence to the Registrar before or on the Priority Closing Date.
- 1.7.4 A Registrar must reject an application by a Person for Priority Status which is received by the Registrar after the Priority Closing Date.
- 1.7.5 An application must include:
- (1) the name of the Person applying;
 - (2) the details of the Eligible licence or licences and the relevant domain name or names;
 - (3) evidence that the Person satisfies the eligibility criteria for a licence in.au direct;
 - (4) agreement to the Priority Status Terms and Conditions as specified in paragraph 1.10 of the .auDA Priority Rules; and
 - (5) the payment of the application fee.
- 1.7.6 A Person making an application for Priority Status must provide the Registrar with the Authorisation code for each Eligible licence.
- 1.7.7 A Registrar must reject an application for Priority Registration where the Person has not provided the Authorisation code for each Eligible licence.
- 1.7.8 A Person's eligibility for Priority Status is determined by the Registrar at the date of making the application.

1.7.9 A Registrar must reject an application from the Person in the following circumstances:

- (a) the Person no longer satisfies the eligibility or allocation criteria within the .auDA Published Policies to hold the Eligible licence in the relevant namespace; or
- (b) the Person does not satisfy the eligibility criteria (within the meaning of Rule 2.4.3 of the .auDA Licensing Rules) to register a licence in the .au direct.

1.7.10 After making an application, the Person:

- (1) will not be able to update or change their Registrant information for the Eligible licence in the Registry Data; and
 - (2) cannot transfer the Eligible licence to another Person during the Application Period;
- but
- (3) will be able to renew (if applicable) the Eligible licence during the Application Period.

1.8 PRIORITY STATUS

Decision to Grant Priority Status

1.8.1 .au Domain Administration will grant a Person Priority Status in either Category 1 or 2, in circumstances where a Registrar has determined that:

- (1) the Person has provided the Authorisation code for each Eligible licence;
- (2) the Person meets the Priority Status (Category 1 or 2) eligibility criteria
- (3) the Person is eligible for a licence in the .au namespace;
- (4) the Person has agreed to the Priority Status Terms and Conditions as specified in Section 1.10 of the .auDA Priority Rules; and
- (5) the Person has paid the application fee.

1.8.2 .au Domain Administration and the Registrar will:

- (1) determine Priority Status (Category 1 or 2) by reference to the creation date of the domain name corresponding to the Eligible licence recorded in the Registry; and
- (2) use the Registry Data as the sole reference for its determination.

1.9 PRIORITY STATUS RIGHTS

Priority Status (Category 1)

No applications

- 1.9.1 If there are no applications for a domain name in Category 1 by the end of the Application Period, then the domain name will:
- (a) default to Category 2 where there is a Person with an Eligible licence with the same domain name; or
 - (b) where there is no Person with an Eligible licence with that domain name in Category 2, the domain name will be available to the public as provided under the Licensing Rules.
- 1.9.2 [Not used]

Single

- 1.9.3 If there are no other Persons with an Eligible licence of the same domain name with Priority Status (Category 1) then:
- (1) that Person may apply to register the exact .au match of that domain name; and
 - (2) must do so no later than the Priority Closing Date.
- 1.9.4 If the Person has not registered the licence in accordance with paragraph 1.9.1, then the name will be available for registration under the Licensing Rules. .

Multiple

- 1.9.5 If there are multiple Persons with an Eligible licence of the same domain name with Priority Status (Category 1), then:
- (1) those Persons may negotiate an agreement as to which, if any, will be the Designated Person to register the exact .au match of the same domain name in the .au namespace.
- 1.9.6 The Persons specified in paragraph 1.9.5 may contact each other by using the relevant contact details listed in WHOIS data.

If Agreement is Reached

- 1.9.7 If the Persons reach an agreement, then:
- (1) all other Persons must withdraw their applications for the domain name,; and
 - (2) the Designated Person may register the domain name no later than 30 days after the date the last application is withdrawn.
- 1.9.8 If the Designated Person has not registered the licence in accordance with subparagraph 1.9.7(2), then the domain name will become available under the Licensing Rules .

1.9.9 [not used]

If no agreement is reached

1.9.10 If the Persons fail to reach agreement under paragraph 1.9.7, then:

- (a) the name will continue to be subject to a Priority Hold until the parties are able to reach agreement or the terms of Rule 1.9.11 apply;
- (b) Persons with an application for that domain name must continue to pay an annual application renewal fee if they want to remain eligible for Priority Status for the relevant domain name; and
- (c) nothing in the .auDA Priority Rules is intended to prevent the Persons from exercising any right they may have under the auDA Published Policies.

1.9.11 A Person's application for Priority Status of a domain name in the .au namespace will automatically lapse where:

- (a) the Person fails to pay the annual application renewal fee; or
- (b) the Person no longer satisfies the eligibility and allocation criteria within the .auDA Published Policies for the Eligible licence or
- (c) the Person is no longer eligible for a licence in the .au direct (within the meaning of Rule 2.4.3 of the .auDA Licensing Rules).

1.9.12 If there are no other Persons with Eligible licences with Priority Status, then the remaining Person must apply to register the domain name within 30 calendar days of the last application being withdrawn or having lapsed.

1.9.13 .au Domain Administration will publish on its website the annual application renewal fee.

Priority Status (Category 2)

No application

1.9.14 If there are no applications for the domain name in Category 2, then the relevant domain name will be made available to the public under the Licensing Rules. .

Single

1.9.15 If there are no other Persons with an Eligible licence of the same domain name with Priority Status (Category 2) then:

- (1) that Person may apply to register the exact .au match of that domain name; and
- (2) must do so no later than the Priority Closing Date.

1.9.16 If the Person has not registered the domain name in accordance with paragraph 1.9.15, then the name will be available for registration under the Licensing Rules..

Multiple

1.9.17 If there are multiple Persons with an Eligible licence of the same domain name with Priority Status (Category 2), then the Person with the Eligible licence with the earliest creation date:

- (a) may apply to register the exact .au match of that domain name; and
- (b) must do so no later than the Priority Closing Date.

1.9.18 If a Person has not registered the domain name in accordance with paragraph 1.9.17, then the name will be available for registration under the Licensing Rules .

NOTE: For example:

On 5 February 2019, Erica registered forexample.net.au.

On 8 February 2019, Frank registered forexample.com.au.

If Erica makes an application for forexample.net.au during the Application Period, he will be able to immediately register forexample.au.

If neither Erica nor Frank apply for forexample.au by the Priority Closing Date, then anyone may apply for forexample.au after the Priority Closing Date.

1.10 TERMS AND CONDITIONS

1.10.1 All applications made by Persons for Priority Status are subject to the following:

- (1) .auDA Published Policies (where applicable) in force immediately before the Commencement date of the .auDA Licencing Rules:
- (2) the 2016-02 edu.au Registration Policy
- (3) the gov.au Domain Name Guidelines; and
- (4) the .auDA Rules:
 - (a) .au Priority; and
 - (b) Licensing.

1.10.2 Without limiting any Licence Agreement or applicable .auDA Published Policies the following are deemed to have been warranted by the Person in making the application:

- (1) the Person has the authority to make the application;
- (2) the information provided in the application is current, complete and accurate;

- (3) the Registrant Contact information for the Eligible licence is correct and up to date;
- (4) the Person meets and will continue to meet, the eligibility and allocation criteria for the Eligible licence through the Priority Status Period under the (where applicable):
 - (a) *Domain Eligibility and Allocation Policy Rules for the Open 2LDs (2012-04)*; and
 - (b) *Guidelines on the Interpretation of Policy Rules for the Open 2LDs (2012-05)*;
 - (c) *Policy Rules and Guidelines for Community Geographic Domain Names (2008-04)*;
 - (d) *2016-02 edu.au Registration Policy*;
 - (e) *gov.au Domain Name Guidelines*; or
 - (f) the *.auDA Licensing Rules*
- (5) the Eligible licence details recorded in WHOIS are current, complete and accurate;
- (6) the Person is eligible for the licence in the .au namespace under the .auDA Licencing Rules;
- (7) the Person agrees that the information contained in the Registry is the sole reference for determining:
 - (a) Eligible licences;
 - (b) the Person's eligibility to hold the Eligible licence.
- (8) the Person acknowledges that an application for Priority Status does not guarantee that the licence in the .au namespace will be allocated to them;
- (9) the Person agrees that where multiple applications for Priority Status are received from different Persons with an Eligible licence of the same domain name, then the resolution of competing claims is solely subject to the .auDA Priority Rules;
- (10) the Person agrees that the resolution of competing claims between Persons, is solely a matter between those Persons with Priority Status, and .au Domain Administration has no role, responsibility or remit to assist Persons to resolve those claims;
- (11) the Person agrees to indemnify and keep .au Domain Administration and its employees indemnified from and against all suits, actions, claims, demands,

losses, liabilities, damages, costs and expenses, that may be made, or bought against or suffered or incurred by .au Domain Administration, arising out of or in connection with the breach of any policy or agreement that the Person may have with .au Domain Administration; and

- (12) the Person acknowledges that their eligible licence or Priority Status may be cancelled by the Registrar or .au Domain Administration if any of the warranties specified in paragraph 1.10.2(1-11) of the .auDA Priority Rules, are untrue, inaccurate or incomplete.

1.11 COLLECTION, USE AND DISCLOSURE

Consent of Person

1.11.1 By making an application for Priority Status, it is deemed that the Person has consented to the collection, use and disclosure of information provided in that application, by the Registrar, Registry and .au Domain Administration for the following purposes:

- (1) assessment of an application for Priority Status;
- (2) the monitoring of a Person's compliance with the Terms and Conditions specified in section 1.10 of these .auDA Priority Rules;
- (3) to assist and resolve complaints relating to Priority Status and the registration of a licence in the .au namespace;
- (4) to provide a WHOIS service for resolution of competing claims; and
- (5) to support alternative dispute resolution or court proceedings.

1.11.2 The Person acknowledges that the consent given under paragraph 1.11.1 of the .auDA Priority Rules, is in addition to the consent provided by the Person at the time the Person applied to register a licence.

1.12 CANCELLATION OF LICENCES

Obligation of Person

1.12.1 A Person applying for Priority Status must be eligible, and remain eligible, for the Eligible licence and a licence in the .au namespace, throughout the Priority Status period.

1.12.2 If the requirement specified in paragraph 1.12.1 is not satisfied, then .au Domain Administration or a Registrar must cancel the Eligible licence.

1.12.3 If the Eligible licence is cancelled under paragraph 1.12.2, then:

- (1) the Person will not be granted or will no longer have Priority Status; and

- (2) will be ineligible to register the licence in the .au namespace during the Priority Status period.

1.13 COMPLAINTS ABOUT ELIGIBILITY

General Availability

- 1.13.1 Complaints about a Person's eligibility for a licence in the .au namespace under paragraph 1.5.2 of the .auDA Priority Rules (General Availability) must be made under Part 3 of the .auDA Licencing Rules.

Priority Status

- 1.13.2 A Person may make a complaint to the Registrar of Record about:

- (a) a Person's legal capacity to hold an Eligible licence in connection with .au direct;
- (b) a Person's eligibility for an Eligible licence in connection with .au direct; and
- (c) a Person's eligibility for a licence in the .au direct namespace.

- 1.13.3 A Person must make a complaint under paragraph 1.13.2 before the registration of the domain name in the .au direct namespace using the form provided by the Registrar.

- 1.13.4 The Registrar must resolve a complaint within 28 calendar days, unless the Person is notified otherwise.

- 1.13.5 A complaint under sub-paragraph 1.13.2(a) and (b) must be resolved in accordance with (where applicable):

- (a) *Complaints Policy (2015-01)*;
- (b) *Complaints (Registrant Eligibility) Policy (2004-01)*;
- (c) *2015-07 edu.au Complaints Policy*;
- (d) *gov.au Dispute Resolution Policy*; or
- (e) Part 3 – Complaints of the .auDA Licensing Rules.

- 1.13.6 A complaint made under sub-paragraph 1.13.2(c) must be resolved in accordance with Part 3 of the .auDA Licencing Rules.

- 1.13.7 A Person can make a complaint to .au Domain Administration in connection with an Industry complaint in relation to the .auDA Priority Rules.

- 1.13.8 For the purposes of making a complaint under clause 1.13.2, clauses 3.4.1 and 3.5.2 of the Licensing Rules apply.

Title	.au Namespace Implementation Rules			
Description	These rules specify the process to be followed for the implementation of the .au namespace.			
Created By	Manager Policy and Strategy			
Date Created	15 April 2019			
Maintained By	Chief Operating Officer			
Version Number	Modified By	Consultation	Date Modified	Status
1		Board Approved	No modifications	17 June 2019
2	Chief Operating Officer	Updated with Commencement Date and Cut-off date from the 17 August 2021 Board meeting, and clarifications to Authorisation code and Creation Date.	18 September 2021	18 September 2021
3	Chief Operating Officer	Added dates as approved by the board, added additional definitions of commonly used terms for clarity, capitalised words that are defined in the .au Licensing Rules, clarified the operational steps for applying for a .au direct name, clarified the case where a registrant has multiple eligible names (clause 1.7.2) for the same .au direct name, and provided cross references to other auDA Published policies and complaints processes.	17 August 2021	Board approved dates on 17 August 2021