

INTERIM TRANSFERS (CHANGE OF REGISTRANT) POLICY

1. BACKGROUND

- 1.1 This document sets out auDA's interim policy on the transfer of a domain name licence from one registrant to a proposed new registrant, which has the effect of changing the name of the registrant as listed in the registry database.
- 1.2 This policy is intended to deal with the minimum set of circumstances under which the transfer of a domain name licence may be necessary by operation of law. Whether transfers may be permitted in circumstances other than those outlined in this document is presently under consideration by the Board of auDA.
- 1.3 This document does not detail the technical steps required to change the registrant in the registry database. This information is made available to all auDA accredited registrars by the registry.

2. TERMINOLOGY

- 2.1 This policy uses the following terms:
 - a) "proposed new registrant" means the entity or person to whom the registrant proposes to transfer their domain name licence; and
 - b) "written request for transfer" means a request for transfer submitted to the registrar by letter, facsimile, email or online form (request by telephone is not acceptable) that provides details of the transfer circumstances (listed in paragraph 3.1).

3. CIRCUMSTANCES OF TRANSFER

- 3.1 A registrant may transfer their domain name licence to a proposed new registrant if one of the following circumstances applies:
 - a) if the registrant has legally undergone a change of name to that of the proposed new registrant;
 - b) if the domain name is used within the operations of the registrant and either the registrant or the operations are acquired by, merged into, devolved to or joined with the operations of the proposed new registrant;
 - c) if the registrant, being a legal entity, is dissolved, liquidated, enters into administration or is wound up with the consequence of the registrant's licence passing to the proposed new registrant by operation of law;
 - d) if the registrant, being a natural person, dies, becomes insane or enters into a deed of family settlement with consequence of the registrant's licence passing to the proposed new registrant by operation of law;

- e) if the registrant is required to relinquish the licence to the proposed new registrant by order of a competent arbitrator, tribunal, court or legislative body;

and the proposed new registrant is eligible to hold the domain name according to the relevant eligibility and allocation rules.

- 3.2 A request for transfer of a domain name licence that does not qualify under paragraph 2.1 must be denied by the registrar. In the event that the registrant is unable or no longer eligible to hold the domain name, then the licence must be surrendered and the domain name deleted from the registry under the normal deletion process.

4. TRANSFER PROCESS

- 4.1 To process the transfer of a domain name licence, the registrar must:
 - a) receive a written request for transfer (as defined in paragraph 2.1) from the registrant contact; and
 - b) obtain confirmation of the request for transfer from both the registrant contact and the proposed new registrant.
- 4.2 The registrar must keep full records of the transfer for inspection by auDA on demand, including copies of the written request for transfer and the confirmation from the registrant contact and proposed new registrant.
- 4.3 The transfer will result in a new 2 year domain name licence being issued to the proposed new registrant. The registrant is not entitled to be reimbursed by the registrar for the unused portion of their domain name licence.