

auDA PUBLISHED POLICY**Policy Title:** RESERVED LIST POLICY**Policy No:** 2007-01**Publication Date:** 27/03/2007**Status:** Replaced by Policy No 2008-03**1. BACKGROUND**

- 1.1 This document sets out auDA's policy for maintaining the Reserved List of words that may not be used as domain names in the open .au second level domains (2LDs). At the time of publication, the open 2LDs are asn.au, com.au, id.au, net.au and org.au.
- 1.2 The Reserved List is held in the registry database. Each application for a domain name is checked against the List.

2. CONTENTS OF RESERVED LIST

- 2.1 The Board of auDA has determined that, as a general principle, the Reserved List will contain only words and phrases that are restricted under Commonwealth legislation.

3. USE OF WORDS ON RESERVED LIST

- 3.1 A registrant may license a domain name that contains a word or phrase on the Reserved List, provided they can demonstrate to auDA that they are authorised to do so under the relevant Commonwealth legislation.
- 3.2 The table in Schedule A lists the restricted words and phrases, and the consent required for use.
- 3.3 In relation to use of the word "university", the enforcement mechanisms outlined in Schedule B apply.

4. REVIEW OF RESERVED LIST

- 4.1 From time to time, auDA may update this document in line with any amended or new Commonwealth legislation.

SCHEDULE A

**WORDS AND PHRASES RESTRICTED UNDER COMMONWEALTH LEGISLATION
(at the time of publication)**

Word/phrase	Consent required by
Commonwealth Federal	N/A - total restriction applies
Anzac	Minister for Veteran's Affairs
Geneva Cross Red Crescent Red Cross Red Lion and Sun	Minister for Defence
United Nations	Minister for Foreign Affairs
University	Minister for Education, Science and Training
Olympic(s) Olympiad(s) Olympic Games	Australian Olympic Committee

SCHEDULE B

DOMAIN NAMES CONTAINING THE WORD "UNIVERSITY"

BACKGROUND

Restriction on use of word "university" under Commonwealth and state legislation

Under the *Corporations Act 2001 (Cth)* and regulations, people forming companies are prevented from using the word "university" or letters, words or expressions of like import to the word including abbreviations such as "uni" unless they obtain permission first from the Department of Education, Science and Training (DEST). Similarly, under the various state and territory business names acts, businesses cannot register a name that uses the word "university" or letters, words or expressions of like import unless they obtain permission first from the relevant state/territory regulator.

Under the *Higher Education Support Act 2003 (Cth)*, and the various state and territory higher education acts, it is an offence for any person (whether a company or an individual) to describe themselves as a university (or using like words) when they are not a university and are not approved to use that term.

Restriction on use of word "university" under auDA policy

The word "university" has been placed on the Reserved List because its use is restricted by Commonwealth legislation. A registrant may license a domain name containing the word "university" provided they demonstrate to auDA that they are authorised to do so under the relevant Commonwealth legislation.

auDA accredited registrars are not required to check that the registrant of a domain name containing the word "university" has the requisite authorisation. Domain name registration is based on registrant warranty, ie. the registrant warrants at the time of registration that they are compliant with auDA policy. auDA reserves the right to delete the domain name if the registrant is found to have made a false warranty.

ENFORCEMENT MECHANISMS

Complaints-handling process

The following process will apply where auDA receives a formal complaint about a domain name containing the word "university":

1. auDA will ask DEST to advise whether the registrant is authorised to use the word "university".
2. If DEST advises that the registrant is authorised to use the word "university", then auDA will take no further action.
3. If DEST advises that the registrant is not authorised to use the word "university", then:
 - a. auDA will instruct the registrar of record to delete the domain name for breach of policy, and the domain name will enter "pending delete" status for 14 calendar days
 - b. whilst the domain name is in pending delete, the registrant may lodge an application with DEST for consent to use the word "university"
 - c. if DEST advises that an application for consent has been lodged, then auDA will reinstate the domain name pending the outcome of the application
 - d. if DEST advises that the application has been approved, then auDA will take no further action
 - e. if DEST advises that the application has been rejected, then auDA will instruct the registrar of record to delete the domain name for breach of policy, and the domain name will enter "pending delete" status for 14 calendar days
 - f. at the end of the pending delete period, the domain name will be dropped from the registry.

Audit process

auDA will conduct quarterly audits of the registry database for domain name registrations containing the word "university", and send the audit results to DEST.

DEST will notify auDA if any of the registrants are not authorised to use the word "university".

In the case of registrants who are not authorised to use the word "university", auDA will follow step 3 of the complaints-handling process outlined above.