

**auDA PUBLISHED POLICY**

**Policy Title:** RESERVED LIST POLICY

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**Status:** Replaced by 2014-03

**1. BACKGROUND**

- 1.1 This document sets out auDA's policy for maintaining the Reserved List of names 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 Reserved List.

**2. CONTENTS OF RESERVED LIST**

- 2.1 The Reserved List contains the following:
  - a) names that are restricted under Commonwealth legislation;
  - b) names and abbreviations of Australian states and territories and the name "Australia"; and
  - c) names that may pose a risk to the operational stability and utility of the .au domain.

**3. NAMES THAT ARE RESTRICTED UNDER COMMONWEALTH LEGISLATION**

- 3.1 The table in Schedule A lists names that are restricted under Commonwealth legislation, and the consent required for use. A registrant may license a domain name that contains a name in Schedule A, provided they can demonstrate to auDA that they have the requisite consent.
- 3.2 In relation to use of the name "university", the enforcement mechanisms outlined in Schedule B apply.

**4. NAMES AND ABBREVIATIONS OF AUSTRALIAN STATES AND TERRITORIES**

- 4.1 The names and abbreviations of Australian states and territories and the name "Australia" are regarded as names of national significance and as such are reserved from general use.
- 4.2 The name or abbreviation of an Australian state or territory may be released on application provided that the proposed registrant:
  - a) is eligible to use the name or abbreviation under the relevant eligibility and allocation policy rules; and
  - b) has written authorisation to use the name or abbreviation from the relevant state or territory government.

- 4.3 An applicant for a name or abbreviation of an Australian state or territory must lodge their application through an auDA accredited registrar. If the application is approved, auDA will authorise the release of the name or abbreviation from the Reserved List.

**5. NAMES THAT MAY POSE A RISK TO THE OPERATIONAL STABILITY AND UTILITY OF THE .AU DOMAIN**

- 5.1 From time to time, auDA may place a name on the Reserved List that, if used as a domain name, may pose a risk to the operational stability and utility of the .au domain.
- 5.2 The decision to place a name on the Reserved List under paragraph 5.1 must be approved or ratified by the auDA Board.

**SCHEDULE A****NAMES RESTRICTED UNDER COMMONWEALTH LEGISLATION  
(at the time of publication)**

| <b>Name</b>   | <b>Consent required by</b>      |
|---|---------------------------------|
| Commonwealth<br>Federal                                       | N/A - total restriction applies |
| Anzac   | Minister for Veterans' Affairs  |
| Geneva Cross<br>Red Crescent<br>Red Cross<br>Red Lion and Sun | Minister for Defence            |
| United Nations  | Minister for Foreign Affairs    |
| University  | Minister for Education          |
| Olympic(s)<br>Olympiad(s)<br>Olympic Games                    | Australian Olympic Committee    |

Please Note: auDA may update this Schedule from time to time, in line with any amended or new Commonwealth legislation.

**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, Employment and Workplace Relations (DEEWR). 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 DEEWR to advise whether the registrant is authorised to use the word "university".
2. If DEEWR advises that the registrant is authorised to use the word "university", then auDA will take no further action.
3. If DEEWR 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 DEEWR for consent to use the word "university"
  - c. if DEEWR advises that an application for consent has been lodged, then auDA will reinstate the domain name pending the outcome of the application
  - d. if DEEWR advises that the application has been approved, then auDA will take no further action
  - e. if DEEWR 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 DEEWR.

DEEWR 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.

