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au Policy Domain Name Review Panel

**Re: Issues-Paper-Registrant-Policy-January-2018**

Tuesday, January 30, 2018

Dear Review Panel,

below please find my responses and those of my company to the questions posed by the review panel posed in the document entitled *PRP-Issues-Paper-Registrant-Policy-January-2018.pdf*. Responses are highlighted in blue.

Succinctly, I and my company are strenuously opposed to allowing direct .au registration as posited in the document and support retention of the status quo. Our opposition to said changes is based significantly on concerns about the intelligibility of the domain naming taxonomy, and about the security, stability and trustworthiness of the internet in a period of greatly heightened abuses, technical complexities and consumer anxieties.

Equally and without wishing to be parochial, we are opposed to domain name internationalisation on the basis of the significant economic cost implications for businesses and consumers of having their existing software infrastructure disrupted or rendered obsolete with the introduction of such a measure.

We would be pleased to elaborate further on any aspect of our response if called upon to do so.

Yours faithfully,

**Andrew Waterhouse**

Technical Director

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## RESPONSES TO QUESTIONS POSED

### **.au Structure**

1. Should the .au Domain namespace be a 'general purpose' domain for all Australians allowing use for any purpose?

**RESPONSE:** No, the .au domain name should preserve its current role and purpose. Information taxonomy is incredibly important to a public understanding of and trust regarding whom they are interacting with over the internet. The current hierarchy may not be perfect but it does engender a degree of understanding that will become mired in confusion and doubt if the direct .au method is introduced.

2. Should the net.au namespace be closed to new registrations? If so, should existing net.au registrants be permitted to continue to renew their domain name indefinitely?

**RESPONSE:** Leave the existing policies in place.

3. What should happen to the asn.au namespace? Should it be closed to new registrations or retained as a dedicated namespace for associations?

**RESPONSE:** No, leave it as it is.

4. Should the State and Territory namespaces be used for other purposes? If yes, why and what are the purposes for which domain names should be registered under these namespaces?

**RESPONSE:** No, leave it as it is.

### **Reserved Names**

5. Should auDA continue to maintain a public reserved list? Should the public reserved list be published? What process or steps should auDA take before deleting a restricted or prohibited name?

**RESPONSE:** Yes, maintain a public reserved list and publish it.

Presumably a prohibited name would not be registered in the first place.

A restricted name should only be deleted at the verified request of the licensee, via an instruction from an Australian court, or if directed by Australian registration.

6. Should auDA be able to reserve names in the public interest? How should the public interest be defined? What names should be reserved in the .au domain namespace? Should the public interest test replace the Prohibition on Misspellings Policy?

**RESPONSE:** Yes, auDA should continue to reserve names in the public interest and not introduce direct naming.

Public interest should be defined as relating to clarity, trust and ease of administration and not be conflated with commercial interests. Hence, *inter alia*, misspelling should remain prohibited.

7. Should the names identified in the discussion paper be reserved as future 2LD namespaces?

Are there other names that should be reserved for use as future 2LD namespaces and why?

**RESPONSE:** Existing reserved names should remain reserved indefinitely. There may be limited numbers of new names whose need becomes apparent over time however the baseline should be to retain existing practices.

8. Should there be a requirement for auDA to publish a list of names that are reserved for use by the registry and names that pose a risk to the operational stability and utility of the .au domain? Should there be any exceptions to the publication of names?

**RESPONSE:** yes, names should be published but the current arrangements should be preserved and direct registration not permitted.

#### **Eligibility and allocation rules**

9. How should the Australian presence requirements be defined? Should trademark applicants and registrants only be allowed to register a domain name that is an exact match to their Australian trademark application or registration when relying on the trademark application or registration to establish an Australian connection?

**RESPONSE:** The current arrangements should be preserved and direct registration not permitted.

10. What eligibility and allocation rules should apply to the .au domain namespace (direct registration) and the open 2LD namespaces, and why? Should the close and substantial connection rule be retained and why? Should allocation criteria be removed, and the focus be on registrant eligibility? Should domain monetisation continue to be permitted in the com.au and net.au 2LD and at the second level? How should domain monetisers interests be balanced against the needs of the broader Australian Internet Community?

**RESPONSE:** Direct registration should not be permitted.

11. Should internationalised domain names be trialled at the second level, and under what conditions?

**RESPONSE:** No, on balance internationalisation should not be permitted. The adverse economic consequences of internationalising the second level are almost incalculable. For example, it renders a whole swathe of software

packages including e-mail packages which interoperate with domain names obsolete.

### **Licence conditions**

12. Should a registrant be able to sublease the domain name to an unrelated party? If yes, in what circumstances should this be permitted?

**RESPONSE:** No, for the security and stability of the internet the identity of the domain name holder should be only with the peak licensing body. Subleasing is a totally retrograde idea. To give an analogy, it is unimaginable that (say) company names, ABNs or tax file numbers could be subleased to parties unknown to the relevant regulatory bodies. The stability and uniformity of the internet domain naming hierarchy is equally essential to the conduct of electronic information exchanges of all kinds and should not be tampered with.

13. Where a domain name licence is transferred between registrants, should the transferee receive the benefit of the remainder of the licence period?

**RESPONSE:** We have no objection to the transfer of benefit between registrants within the existing domain naming framework.

14. Should auDA be given the power to suspend a domain name licence? When should auDA suspend rather than cancel a domain name licence? What should be the maximum suspension period before a domain name licence is cancelled?

**RESPONSE:** Suspension or deletion of a domain at the behest of any party other than current licensee should only be available through a court-mediated or federally legislated process.

15. For what purposes should auDA be allowed to collect, use and disclose registrant data?

**RESPONSE:** Such data should only be collected, used and disclosed for the existing administrative purposes.

16. Are there any concerns with the current level of information included in the public WHOIS service? Should the technical contact field be utilised for agent and lessee details?

**RESPONSE:** The technical contact field should be used expressly and mandatorily to identify the verified bona fide party responsible, accountable and liable for traffic under the domain name.