MelbourneIT
Level 4, 1-3 Smail Street
Broadway, 2007

The auDA Policy Review Panel
% auDA
policy.review@auda.org.au

To Whom It May Concern,

Please find the current position of the MelbourneIT Group on the questions posed in this round of public consultation.

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

Yes, the space should be open allowing people registering in the space to define how to position their brand without the somewhat artificial constructs that exist in the 2LD hierarchy today. The space should be open to anyone meeting the defined eligibility whether they be businesses, interest groups, charities or NFP's or individuals.

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?

There are number of use cases for the space today. As an example many back end MelbourneIT internal systems are addressed using net.au domains.

While it can be argued these systems could be addressed using alternative domains does having net.au open today harm the overall internet experience? We don't believe it does, however the duplication of the policy can be confusing.

Considering all of this, we believe the net.au space should remain open, but the policy in it be substantially differentiated from com.au. For example no resale of domains (without the sale of an entire business asset), and no monetization.

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

It seems based of published registration statistics that registrants today simply register in org.au which has mirrored allocation criteria.

Our position is that the space is closed to new registrations and existing registrations be grandfathered.

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?

No, be believe these spaces continue as currently defined.

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?

Yes there should be a reserved list. Yes it should be made public.

We recommend an auDRP type situation where if someone wants the domain removed from the list, they submit formal documentation to a panel who review the material and make an appropriate determination.

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?

Yes auDA should be able to reserve names in the public interest.

As an example when registrations occur in the 2LD, names like ‘government.au’ should be reserved in the public interest.

We believe the misspelling policy is still an important tool in the protection of trust in the .au space and that it should remain in place. While it may be argued that auDA’s role is not to protect the interests of corporations, we content auDA’s role is the security and stability of the space. Deliberate misspellings open the door to security and trust concerns. For example a domain like ‘combank.com.au’ could potentially cause widespread security issues if misused. Clearly the public interest and protection of internet users outweighs the argument of auDA protecting corporates.

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?

We believe the domains defined in the published list are appropriate. During previous Names Panels the question has been asked around potential 2LD’s. The only submission we are of having been submitted for consideration was catholic.au. It would be worth the panel considering adding this domain for potential future use. It would seem less problematic to add it now, than to try and resolve the issue in the future if there was a clear demand for the space.

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?

Yes there should be a list and it should be published. As an example ‘nic.au’, ‘www.au’. The registry should be engaged in assisting in the development of a comprehensive list.

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?

The presence should be defined in 2 separate ways.

a) Registrants must warrant they are either a citizen or permanent resident of Australia
b) Registrants at the point of registration must supply a valid Australian address and/or phone number

Complaints on eligibility should have a clear requirement of acceptable documents that support the warranty statement for citizenship or residency.

In terms of trademarks we believe that this system is currently open to abuse.

We see examples where trademarks using junk strings are being applied for simply to meet the criteria for ownership of domains. Where we observe this they are used to hold a portfolio of domains.

We believe the trademark in and of itself is not sufficient to meet eligibility of a domain. We recommend that the trademark be retained for the exact match or close and substantial connection allocation criteria, but that for eligibility all entities require a business or company registration. For foreign entities they should be required to complete an overseas company registration to trade in Australia.

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?

We believe it should be an open space with no allocation criteria. There should simply be a test for ‘Australian-ness’ as specified in Point 9.

We believe that if allocation criteria are retained it will not allow the space to open up to individuals.

Monetization should be removed from the allocation criteria in the existing 2LD spaces.

Furthermore we believe there should be a prohibition on re-sale in the second level space for a period of no less than 5 years. Re-sale as a business asset in a whole of business sale should be allowed, the re-sale of only a domain license should not. This will promote utilisation in the space, rather then people holding large portfolios of domains that are held for the sole or primary purpose of re-sale.

Finally the policy on re-sale should be clarified and the ‘sole purpose of re-sale’ should be changed to the ‘primary purpose of re-sale’. This can easily be quantified and tested.

We don’t believe that monetizers add value to the space and in the interests of the wider internet community the activities should either be significantly constrained or removed in their entirety.

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

We currently see no use case or demand to support their introduction. They are available in the Registry for Registrant contact details and host names. To date utilization is virtually nil.

The potential to create confusion by their introduction is very high, and overall with nil apparent benefit we believe they should not be considered at this point.

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

We believe that there is no public benefit in allowing this practice. If it is allowed it legitimizes a domain by proxy type service where the eligibility of the end user may be questionable.

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

As it currently stands the practice involves termination of one agreement and the creation of a new agreement. Registrars need to vet eligibility and manage the documentation to complete the process, which is fundamentally different to say a .com where you simply update the Registrant contact details.

We believe in the removal of barriers, however if users are able to simply self-edit the Registrant of the domain in practice it raises questions about the overall integrity of the space ie is the new owner eligible to hold the name?

We see no real demand from our user base for COR’s to be ‘free’. Most businesses generally understand that the transfer of a license in many other examples is not free.

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?

Yes they should have this ability. Effective policing is a far more powerful tool to ensure the security and stability of the space than complex and unenforceable policies.

auDA should suspend on request from any defined statutory body that completes a notarized request for suspension.

Often statutory bodies prefer a domain be suspended and details remain available for investigation for relatively extended periods. We could see instances where domains may remain suspended prior to deletion for between 6 and 12 months.

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

The current situation where Registrant data is collected at the point of registration seems suitable. Disclosure of any material that is not publicly available in the WHOIS should only be disclosed for either situations set out in Point 14, or as requested by a court in the Australian jurisdiction.

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?

The current information is suitable. However if the .au space was open to individuals we have questions about the right to privacy for individuals.

We are not sure how to balance this with the wider needs of WHOIS which in many instances is used to review and make complaint about eligibility or allocation of a domain.

Given we can’t reconcile these two contentions, our position is to leave it as is.