

## **SUBMISSION OPPOSING DRAFT RECOMMENDATIONS 1A & 1B CONCERNING THE '.AU' DOMAIN SPACE.**

**Shawn Brown**

I tender this submission in opposition to draft recommendations 1A & 1B to alter the current '.au' domain registration scheme. I express this concern on the basis that I am an investor in Australian Domain Names, and have as such, invested a significant amount of money into my portfolio of '.com.au' domains.

I, along with most people, view my ownership of domain names as a form of virtual real estate. That is, I have purchased a right to own a domain name in the market-place, and that affords me the right to prevent another person or entity from using the same name. For example; if I have spent my time and money purchasing 'whateveryoulike.com.au', the fruit of my labour is unfettered ownership of the 'whateveryoulike.com.au' domain name, free from exploitation by anybody else. There are limited circumstances that could challenge my ownership; a legally entitled right that quashes mine (trademarking), or few other limited circumstances.

The Regulatory Body in relation to the opening of domain names are changing the field of play, to the detriment of owners like myself. The body is essentially allowing duplicate domain names with a shorter extension, which in a nutshell will let Joe Bloggs purchase 'whateveryoulike.au', after I have spent my time, research and money securing my domain... my property. This is unacceptable, and rather insulting.

The suggestion is madness. Property rights are the very basis of our society; a basis established hundreds of years before you and me. Once a person owns property, they are free to come and go upon that property, comforted by knowledge that upon their return, there won't be another person living within that property, and if there is, the original owner can do

something about it. The current Board designing the regulation of the domain name ministry is essentially moving from this basis of our society.

Just imagine for a moment, a land that I will call Old North Wales. In Old North Wales, the government of the day decided to fundamentally change property rights. Previously, in the economy of Old North Wales, if you wanted land, your property rights were not only enforceable against anybody with a lesser right, but recognised too. Then one day without warning, the government of the day of Old North Wales decided that they will change rules. The government of Old North Wales decides it would be a really good idea that anybody, anybody at all was allowed to walk onto your property, install stilts, and place a building in the airspace above your house. You walk home from work, and find a skyscraper now standing over your house. You ask your new sky-neighbours if this is a joke. Mr Peppino simply responds ‘we never joke’.<sup>1</sup>

We return to reality, and I bring you to attention that this is exactly the change that the Regulatory Board is considering. I personally own a large portfolio of ‘.com.au’ domain names. If the board allows Joe Bloggs to register ‘whatevernameyoulike.au’, effectively, they have built a house over my land; leaving my ‘.com.au’ extension worth less, or worst, worthless. This proposition is unacceptable; and moreover, for the domain name investment community, a real concern.

The value of property in Australia is reflected on the regulation of property rights in our economy. As a Western economy, not unlike the UK, most of Europe, Canada, North America, parts of Central America, parts of South America, parts of Asia and Australia, there is certainty in property right; that is what makes the economy attractive to international investors.

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<sup>1</sup> The Count of Monte Cristo.

This is why Australia has such a buoyant property market; our property rights are enforceable, backed by a vast system of law and regulation. Nobody can come along and build the equivalent of a skyscraper on your land; and anybody considering doing so would be deterred by the original owner's right to do something about it. You would find that a sudden change, as was in Old North Wales, would result in the entire property market significantly devaluing overnight. This is what the existing '.au Board' is considering doing to our entire industry.

If this is allowed to happen, a person can come along and register a domain name from beneath me, and the whole industry becomes destabilised. Even if the option to purchase the duplicate domain exists; what if I don't want to buy it? What if I can't afford to buy it? What if the duplicate is registered before I can secure it again? This will force investors like myself to purchase an asset that I already own; why should I have to?

This kind of arbitrary behaviour is reckless, and is quite frankly, crap. This behaviour is not dissimilar to a third-worlds governments' treatment of its denizens; with similar results, a strained domain industry and destabilised market. Thus, I oppose this suggestion; and furthermore, encourage everyone and anyone with a '.com.au' domain name in Australia to stand up and make their views heard to this tyrannical board. This abhorrent suggestion must be prevented.

In my opinion the only people that stand to benefit from this ridiculous proposition are those in the business of selling and registering new domain names; that is just unacceptable. I understand that there are indeed members of the panel who have significant positions of power in the very companies that are in the business of potentially profiting from this very decision. This is also unacceptable. I personally call upon those members to excuse themselves from this decision.

The right decision must be to protect the many souls, like me, who have invested their hard earned money into acquiring the right to occupy a domain name. Forcing me to buy something to protect what I already own is not an option – what right do you have to do that to me? The prospect of opening up .au registrations should be rejected.



Shawn Brown

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