

## **Response to DRAFT RECOMMENDATIONS, AUGUST 2015**

### **DO YOU AGREE WITH DRAFT RECOMMENDATION 1A?**

No. In the first round of submissions we submitted qualified support however we now no longer support direct registrations for the following reasons:

- after reading the draft recommendations it has become clear the method of implementation is so fundamental to be able to make a sound decision and to understand the impact of opening direct registrations that it cannot and should not be separated from the decision whether or not to open up direct registrations in the first place. Once a method of implementation is decided or a few possible methods of implementation are proposed then actual support for opening up direct registrations may be low or high once the majority of domain users and potential new registrants understand the costs, impacts, opportunities and risk.
- after reading the draft recommendations it appears that it may be possible that inadequate consideration will be given to protecting rights of existing registrants who have invested money, time and substantial effort building their online presence.
- the first round of submissions that the panel is basing their recommendation on and quoting percentages of support (67% vs. 33% etc.) are incredibly few (a few hundred) and the majority of submissions appear to be from those one way or another related to the domain industry. We are concerned that the submissions / survey responses the panel is relying on do not reflect the views of the majority of users.
- that although implementation issues are explicitly outside of scope for this review the panel has already rejected the view that .com.au registrants could be given a priority to .au names. This early exclusion of a possibly widely supported implementation method seems to be rather extreme given the number of .com.au registrants and as admitted by the panel the number of submissions assuming this would be the case. If this view was made known prior to first round of submissions we believe support for direct registrations from users could be very low and the percentages quoted above could have been substantially different. We are not saying .com.au owners should absolutely automatically be given the .au however to rule it out now is not appropriate and this implementation method would be by far fairer overall and less disruptive to the majority than for example domain auctions between owners of .net.au, .org.au and .com.au which the panel makes no such effort to rule out. The fairest to all current users however would obviously be that if there are identical domains in .net.au, .com.au and .org.au etc. that the .au cannot be registered.

- there does not seem to be a genuine desire to simplify the .au namespace by for example by merging / replacing .com.au / .net.au with .au where possible instead of just adding .au and leaving .com.au and .net.au as they are. This clearly complicates the .au namespace as opposed to simplifying it.
- According to NPP meeting minutes July 2015 the rationale for direct registrations by the panel overall isn't compelling:

*Rationale for direct registrations*

*The Panel agreed that if it proceeds to recommend that direct registrations be allowed, then it will need to provide a cogent rationale to support the recommendation. The following arguments were put forward:*

- *.au is more likely to be attractive for individuals than the existing id.au 2LD (AusRegistry research shows that while there has been an increase in the number of people registering different types of domain names for individual use, there has been a decrease in the number of id.au domain names being registered). Whilst adding new 2LDs (eg. me.au) may provide an alternative solution to the perceived barrier to individual registrations, it would go against the international trend towards simplifying and shortening domain names.*
- *Whilst there is a likelihood that there will be defensive registrations, they do not devalue "real" registrations, and they may turn into "real" registrations in future. No one can predict how long it will take people to move their online presence to a .au name. Allowing direct registrations should be viewed as removing the obstacles to a natural evolution of the namespace, which will be decided by the market and consumer choice.*

We would have agreed with the recommendation if the following occurred:

- 2-3 possible / likely methods of implementation were proposed as part of the process so that submissions could be made with a better understanding of impacts and if there was wider and better consultation OR if it was understood that after the next phase (developing an implementation policy) that it would not be too late to cancel / reject opening direct registrations.
- if it was made clear that the implementation of direct registrations would not result in:

- existing registrants of identical domains not having to bid against each other for .au
- the very undesirable situation where there could be 3 different entities using the same name in .au, .com.au and .net.au etc.

Andrew Callaghan