

## **Webcentral Ltd undertaking of 3 October 2023**

auDA is the administrator of the .au domain, endorsed by the Australian Government to administer the .au domain for the benefit of all Australians and ensure its stable, secure and reliable operation. One of the ways we do this is by administering a Licensing Framework for .au domain names that is transparent and accountable and enhances trust and confidence in the .au.

Registrars play an important role in ensuring the integrity of the Licensing Framework. The Licensing Framework comprises the Registrar Agreement between the registrar and auDA, the [.au Domain Administration Rules: Licensing](#) (.au Licensing Rules), the .au Domain [Administration Rules: Registrar](#) (Registrar Rules) and other relevant [auDA Published Policies](#).

Where a breach of registrar obligations under the Licensing Framework is identified, auDA has different remedies available depending on the nature and severity of the breach. One remedy is for the registrar to provide an undertaking to auDA for breach remediation/rectification and in respect of future conduct.

### **The relevant registrar obligation**

Under the Registrar Rules, a registrar must not restore a licence under section 2.16.10 of the .au Licensing Rules unless directed to do so by auDA. Section 2.16.10 of the .au Licensing Rules refers to circumstances in which a domain name licence will be cancelled.

The Registrar Agreement requires registrars to comply with all auDA Published Policies including the Registrar Rules.

### **Background to the breach**

1. In March 2023 auDA identified that **crow.com.au** was registered to a company that was deregistered, making it ineligible to hold the domain name.
2. Information was requested to demonstrate that the domain name was held by an eligible party, however it was not provided. The domain name was suspended, and the registrant provided with a further opportunity to provide evidence of eligibility, however this was not received.
3. The domain name was subsequently cancelled in accordance with section 2.16.10 of the .au Licensing Rules.
4. The domain name was scheduled to be purged on 17 June 2023 and appeared in the Registry's purge list for that day. When a domain name is purged it becomes available for registration by the public on a first come first served basis.



## **The breach**

On 17 June 2023 Webcentral Ltd restored the domain name **crown.com.au** to the registrant, removing it from the licence cancellation process. auDA did not direct Webcentral Ltd to restore the domain name licence.

## **auDA's investigation**

auDA received complaints about the restoration of the domain name crown.com.au from several parties who had reviewed the Registry's purge list, and were interested in registering crown.com.au when it purged and became available on a first come, first served basis.

auDA reviewed the actions of Webcentral Ltd in relation to crown.com.au, and concluded that Webcentral Ltd had removed the domain name from the Registry's purge list without being directed to do so by auDA.

In the absence of direction from auDA, Webcentral was not permitted to restore the domain name crown.com.au and in doing so it breached the Registrar Rules and the Registrar Agreement.

## **Undertaking**

Webcentral has provided auDA with an undertaking that in future it:

1. Will not engage in such conduct which is similar to the incident, or which compromises the stable, secure and reliable operation of the .au Domain Name System.
2. Will conduct itself in good faith in its dealings with auDA and other stakeholders such as a registry operator, other registrars and registrants and in performing its obligations under the Registrar Agreement.

## **Ensuring ongoing compliance**

auDA is committed to ensuring that registrars comply with their obligations under the Registrar Agreement and auDA Published Policies, and will monitor Webcentral's ongoing conduct in relation to the undertaking.

## **Background**

The .au domain name system is part of Australia's critical infrastructure, and is an important service provided to Internet users to assist them to access people, organizations, and services connected to the Internet. auDA maintains a registry of all domain name licences issued in the .au domain, and provides a public service called



the WHOIS service (<https://whois.auda.org.au/>) to identify the legal holder of a domain name licence.

To be eligible for a domain name licence in the .au domain, a domain name registrant must have an Australian presence. In addition, to be eligible for a domain name licence in com.au/net.au the registrant must be registered in Australia as a commercial entity to conduct business (e.g. registered with the Australian Business Register (ABR), with the Australian Securities & Investments Commission (ASIC), with a state based Incorporated Associations register, or have an Australian trademark registered with IP Australia).

To be eligible for a domain name licence in org.au, the registrant must be registered in Australia as a not-for-profit legal entity (e.g. registered with ASIC as an Australian public company limited by guarantee, with a state based incorporated associations register, with the Australian Charities and Not-for-profits Commission (ACNC), or be an Australian Government agency).

The eligibility requirements for .au domains are set out in the *.au Domain Administration Rules: Licensing*, that have been developed by the Australian Internet community through a multi-stakeholder process that regularly reviews the licencing rules and has been operating for over 20 years.

The WHOIS service provides Internet users with the name of the legal entity (an individual or an organization) that holds the domain name licence, as well as the relevant identifiers (e.g. Australian Business Number (ABN), Australian Company Number (ACN), or Trademark (TM) number) that allow Internet users to obtain further information on the legal entity from Government registers such as the ABR, ASIC, ACNC, IP Australia, state based incorporated associations registers.

This service allows Internet users to have some assurance that they are interacting with a legitimate registered individual or organisation with an Australian presence, and also serves as an important accountability mechanism should the registrant of a .au domain name licence not comply with Australian law with respect to the goods and services that they provide.

Registrars play an important part in maintaining the integrity, stability, utility and public confidence in the .au ccTLD. At the time of registration, renewal, and transfer of .au domain licence, Registrars must validate the eligibility of the registrant to register or continue to hold a domain name licence. They do this by validating information provided by the registrant (which can range from driver's licence information for an individual to company registration information) against a source of reliable and independent electronic data available in a Government-managed registry.

## **Contact**



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