

## **Webcentral Ltd undertaking of 31 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 sections 7.2 of the Registrar Agreement, a registrar must ensure they comply with an auDA approved Validation Plan. Under the Validation Plan, a registrar must validate the information provided by a registrant in respect of any application for a licence, or the renewal of an existing licence. These obligations are also set out in section 7.1 of the Registrar Agreement and sections 2.3 and 2.4 of the Registrar Rules.

### **The breach issue**

In June 2023 auDA received a complaint that Webcentral Ltd and its accredited registrars (Webcentral Ltd, Netregistry Pty Ltd, and Terrific.com.au Pty Ltd) were not properly validating whether the ABN provided by the registrant at the time of domain name registration was still active at the time of the renewal of the domain name licence.

### **auDA's investigation**

At the time of registration or renewal 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 government-managed registries.

Following discussions with Webcentral Ltd, auDA established that Webcentral Ltd did not have measures in place to consistently ensure that information provided by the registrant at the time of registration or renewal was valid, and as a result, Webcentral



Ltd had registered and transferred domain names without always ensuring that the registrant met the eligibility requirements for the domain name.

This was a breach of Webcentral Ltd's obligations under their Registrar Agreement and the Registrar Rules, and we concluded that the appropriate remedy was an undertaking from Webcentral Ltd in respect of an ongoing rectification plan.

### **Undertaking**

Webcentral Ltd acknowledges this validation breach and has provided auDA with a signed undertaking which applies to accredited registrars in the Webcentral group of registrars.

Pursuant to the undertaking Webcentral Ltd has agreed to a rectification plan to readdress the breaches identified and provided an undertaking to:

1. Regularly check that the processes used to confirm registrant eligibility operate effectively
2. Manage domain names in accordance with their Registrar Agreement, approved validation plan and applicable auDA published policies
3. Take all necessary steps to undertake appropriate rectification within a specified timeframe and report to auDA on relevant domain name management
4. Respond promptly to any notification of a domain name that does not meet the eligibility and allocation criteria in the .au Licensing Rules
5. Act in good faith in their interactions with auDA and other stakeholders, and in performing their 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 actively monitor Webcentral's performance against its undertaking through a monthly review process.

### **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 a 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**

Steph Viljoen

Manager Licencing Framework Compliance

[steph.viljoen@auda.org.au](mailto:steph.viljoen@auda.org.au)