

Application to create 8 new 2lds under .au

Applicant details

Stephen James Gethin
14 Feathertop Rise
Alexander Heights
WA 6064

Tel 08 343 0987 (h)
08 9426 1628 (w)

Email admin@lawyer.net.au

The applicant is a solicitor practicing e-commerce law at a major national law firm.

A Name of the 2LD

This is proposal to create 8 new 2nd level domains

.nsw
.vic
.qld
.wa
.sa
.tas
.act
.nt

It is proposed that geographic third level domain names within the new 2lds will be subject to different rules than non-geographic names. I am prepared to delegate all geographic names within a State or Territory sub-domain to a body approved by the State or Territory government for further re-delegation, subject to:

- Approval by me of the infrastructure proposed to be used in running the re-delegation
- Approval by Auda, if required; and

- Conditions about use by non profit bodies for the promotion of the relevant area, according to the guidelines set out below.

Alternatively I will manage the geographical names according to the guidelines set out below.

The internet connectivity and registration infrastructure will be provided by Eftel Pty Ltd under an agreement. Eftel is the second largest of the WA based ISPs behind ii-net. Eftel operates nationally.

B Purpose of the 2LD

The purposes of the new 2lds are:

Non geographic

To expand the range of domain names available to businesses.

Only one business can have the name xyz.com.au, even though there may be a business called xyz in NSW, Vic and SA, all operated by unrelated entities. Under this proposal they would each be able to get their own domain name.

The demand for the domains can be inferred from the fact that many businesses in Australia conducted by different proprietors operate with similar or identical names in different states.

Of course the proposed 2lds do not fully solve the problem, as there may still be multiple businesses in a single state with similar names, but it does expand the choices available.

The proposed 2lds will promote greater consumer convenience. When a consumer wants to locate the website of a business which it doesn't believe is a national business, typing the business name followed by .wa.au rather than .com.au may be more likely to result in a relevant business, as opposed a business in another state with the same name which has registered the corresponding .com.au name.

Geographic

As far as geographic names within the sub-domains are concerned, the purpose is to facilitate the promotion of tourism in areas by non profit bodies with an appropriate interest in the name. This will be achieved by a public awareness which will develop that a good way to find information about a place in Australia is to type into a browser the place name, followed by the state/territory code, followed by .au. This will add to the convenience of the public in locating information about places they may wish to visit.

C Intended users of the 2LD (including registrants and non-registrants who would benefit from the 2LD)

Non geographic

Businesses (as registrants) and consumers as persons who will browse to the relevant web sites.

Geographic

As far as geographic names within the sub-domains are concerned, to facilitate the promotion of tourism in areas by non profit bodies with an appropriate interest in the name. This will benefit local governments or tourist commissions which want to promote their area, and persons wishing to visit the area.

D Selection criteria

1. The 2LD is robust, sustainable and viable.

The names are themselves inherently viable and sustainable.

2. The 2LD serves the needs of users, or a community of users, that are not well served by the existing 2LDs.

Addressed above in part. Geographic names under a state based 2ld are arguably better than geographic names under .com.au, if they are ever even freed up for use. Firstly .com is not relevant to a geographic name used for sites which promote tourism in an area generally, and not just one business there. Secondly, some place names are common to more than one State or Territory. There is no way of resolving those conflicts if .com.au is the sole 2ld used for geographic names.

3 Clear support for the 2LD, in particular among the users it is intended to serve, and in general terms from the wider community.

The support is inferred from:

- the fact that there are a large number of business names in different States and Territories that are identical, only one of which can have the relevant .com.au name. It is a reasonable inference that more than one of those businesses with the same name wants a website with a name that matches its business name; and
- the fact that while there is a large tourist industry in Australia, serviced by many centers that provide tourist information, there is no commonly

understood nomenclature for locating websites containing geographic information.

3. The 2LD widens the choice of domain names available to users of the Australian DNS.

It does this by splitting au into different state sub units, multiplying by 9 the number of general names that are available.

E Eligibility criteria that would apply in the 2LD

Non geographic

Any individual partnership or company may apply.

Geographic

Capital city name – State Governments, body approved by the State Government, capital city council, in that order.

Name of a city, town or geographic feature – Local government, non profit body approved by the local government, non profit body which promotes the town, region or feature, in that order.

To elaborate, for example if a tourist information center wanted the name cairns.qld.au it would need a letter of approval form the Cairns City Council.

The rules allow allocating geographic names to a suitable tourist information center if a local government did not want to register the name. An association that wanted to register the name would be entitled to send a notice to the relevant local government stating an intention to seek registration. The local government or a body approved by it could have make an application to register the name within two months. If that did not occur, the initial applicant would be entitled to register the name, if it was otherwise suitable.

Geographic domains ought to be used if there is a party with a plausible claim to use the name. The danger with only allowing a council to use a name would be that it may have no present use for the name and not register the name itself, but at the same time prevent others from using it who might wish to do so. This policy would avoid that outcome.

F The policy rules that would apply in the 2LD

Non geographic

Registrations will be disallowed to a businesses which already have the corresponding .com.au name.

Misleading names which contain the word authority, or board, will be disallowed unless the registrant is a government agency.

Obscene names will be disallowed.

Generic names will be allowed.

Geographic

The name is a recognised place name on an official government survey list.

G Whether the 2LD is open or closed

Non geographic

Open

Geographic

Closed

The following relate to the geographic names only.

H If closed, an indication of why the 2LD should be closed rather than open and what value is added by it being closed.

A limited range of bodies have a legitimate interest in a name that encompasses a whole town or geographic area or feature. A car dealer in Cairns has no legitimate interest in www.cairns.qld.au, whereas the City Council does.

I If closed, the estimated number of potential registrants in the 2LD

At least 5000.

J If closed, the funding model for 2LD operations

The closed domains will be economically viable because of the much greater number of open domains that would potentially be registered.

K If closed, the peak body that would manage the 2LD.

This could be delegated to the Government in the relevant state or territory.

Miscellaneous

People are used to domain names being delineated by country. Delineating domains by the further subdivision of the State is a natural and logical progression from this, and has good prospects of gaining acceptance.

With respect to the above proposal geographic names, if Auda believes that the geographic domains should not be in the same second level as commercial domains, I would make two points:

- Auda is giving consideration to allowing the geographic .com.au names to be used, with appropriate safeguards, along side the .com.au business names.
- Alternatively, while it would be possible to create a series of third level domains, for example com.nsw.au for the commercial names. That would mean that commercial names were in the fourth level, something that may be unacceptable to internet users.

Stephen Gethin