



## OCOS response to auDA discussion paper – September 2002

### Context:

#### *auDa New Names Advisory Panel Discussion paper on a new geographic 2LD.<sup>1</sup>*

In May 2002, .au Domain Administration (auDA) called for proposals for the creation of new second level domains (2LDs), to be evaluated by an independent New Names Advisory Panel (the Panel). The Call for Proposals and Terms of Reference for the Panel are available on the [auDA website](#).

One of the categories for new 2LDs is "geographic". The Call for Proposals stated that auDA would give priority to "proposals that focus on non-commercial, community use of domain names" in geographic 2LDs.

The Panel has considered the two substantive proposals for the creation of a system of geographic 2LDs in the community interest, from One City One Site (OCOS) and cBallarat. These proposals are in essential agreement as to the purpose and principles of a geographic naming system:

- "to preserve community geographic names for community use" (core purpose, OCOS)
- enabling the development of community portal websites representing such things as tourism, agriculture, local business, employment and environmental issues
- necessary because other Australian place names under 2LDs or under TLDs have been snapped up by commercial users, cybersquatted or simply denied
- local ownership of the town or locality name is a strongly held principle
- there is an agreed need to demonstrate broad community benefit, rather than primarily private or commercial benefit, and that the initiative is community-based and -focused.

Both proposals envisage a system of 2LDs based on the model [www.statename.au](#), where the substantive domain names would be 3LDs along the lines [www.locality.statename.au](#) - such as [www.bathurst.nsw.au](#) or [www.ballarat.vic.au](#)

The two proposals are available on the auDA website at:

<http://www.ada.org.au/policy/submissions/ballarat.pdf>

<http://www.ada.org.au/policy/submissions/ocos-part1.pdf>

A third proposal was received on this subject but differed markedly from the two detailed above. While the Panel has not discounted the proposal by Stephen Gethin, it is not discussed in this paper.

### ***Preliminary views of the Panel***

The Panel strongly supports the creation of a system of community-based geographic 2LDs along the lines proposed by OCOS and cBallarat. At this stage, the Panel plans to recommend the adoption of the proposed new structure, which combines new 2LDs with new 3LDs for Australian geographic communities.

The Panel now seeks input from the wider community on the two proposals.

The Panel wishes to emphasise that, at this stage of the process, **it has not reached any firm conclusions about the two proposals**. As part of this consultation, the Panel strongly encourages the two proposing bodies to comment on issues raised in the discussion paper. The Panel would also welcome any additional information from OCOS and cBallarat that might address some of the concerns raised in this paper.

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<sup>1</sup> Page one extracted from the New Names Advisory Panel Discussion Paper, for context purposes

## OCOS Response

Before commenting on each aspect of the discussion paper as detailed below, I would like to take the opportunity of commending the cBallarat proposal, which includes many aspects in unison with the OCOS Proposal and Model. Further to this I would like to thank the auDA New Names Advisory Panel for their initial discussion paper and acknowledge their interim strong support for a community-based geographic naming system such as the OCOS and cBallarat proposals.

I make the following comments on behalf of the One City One site Working Party, with regard to the discussion paper on geographic 2LDs. Discussion paper items are bold and italicised followed by OCOS's comments.

- ***National uniformity. Australia's geographic 2LD scheme would be nationally uniform, in that allocation of domain names would follow the same eligibility rules and the same processes in all states and territories.***

While the OCOS Model outlines a central state/territory management function, it also includes a National Reference Group, where members of all states and territories meet to make decisions on national protocols (which would include uniformity issues), structures, handle final level dispute resolution processes and other items as deemed necessary by representatives.

In order to ensure national uniformity, the OCOS proposal states that full policy and implementation guidelines on the system be developed as part of the NSW pilot and/or first stage/year of the gradual implementation of the system. As part of this, the pilot proposes the establishment of the National (OCOS) Reference Group (including representatives from all states and territories and peak bodies) within the pilot period. This group would debate and rule on final national policy guidelines and ensure that within the first year national guidelines and standards would be agreed to before full implementation takes place.

The development of these guidelines in NSW by the pilot hosts and the Reference Group will help to ensure the gradual implementation of the model in all other states and territories remains uniform and minimises risk.

The OCOS model ensures the DNS structure for geographic domains is universal by setting national criteria at the reference group level and agreed to by all states and territories. The national criteria would be developed from the criteria set out in the OCOS submission and further developed throughout the proposed pilot and/or the first year of the staged implementation process. The national domain structure protocol would be [www.town.state.au](http://www.town.state.au), with some room to allow for exceptions such as duplication of name within the same state or territory.

Insurance for all uniformity issues could also be based on the results of a NSW pilot and/or the first stage of implementation – part of the pilot would involve developing protocol and management guidelines to be used by all state and territories, (as outlined in the OCOS submission).

- ***Processes. Community domain names will involve creation of a system which provides some assurance that groups proposing local 3LDs are adequately representative of the community. Both the OCOS and cBallarat proposals suggest state bodies which would evaluate proposals, as well as other approval processes, and appropriate appeal mechanisms. The Panel would appreciate comments on these processes. We acknowledge that some of the processes will need to be worked through to ensure that they are practical.***

In order to ensure the most efficient and equitable system for registration, establishment and maintenance of community geographic domains exists, the OCOS registration system (and all aspects of the model) have been presented through a series of stages or steps.

The OCOS model has been developed in consultation with an outstanding number of key stakeholders (as evident in the support section of the proposal) in order to ensure that the best model has been developed. As the proposal outlines the NSW pilot will ensure that this thorough consultation and involvement of stakeholders continues to be a priority. The model is governed by eligibility and selection criteria, which will be developed in the pilot and/or the first stage of the gradual implementation.

Therefore in addition to the stages outlined in the OCOS paper (pages 8-18), OCOS would like to make the following comments in regard to these processes:

## **1 Formation of a Community Website Committee**

This includes a committee of community representatives, as selected and elected within the community.

The OCOS authority works with communities and consults with them at this and all stages of the process to ensure the best possible outcome for their application. In addition to this publishing/gazetting of approved domain registrations will take place for a set period, allowing public comment and objections to be heard (this is modelled on the current Geographic Names Boards publishing and dispute resolution processes).

### **Local government plays a role of endorsing the applicant registration**

This process simply involves local council passing a resolution at any council meeting, showing support and acknowledging that the applicants reside in the community. This ensures the genuine nature of applicant group and minimises administration for local councils. The Australian Local Government and Shires Association has presented support for this model.

#### A note on local government involvement in the OCOS model:

The registration processes outlined in the OCOS proposal was developed in full consultation with key stakeholders including local government. OCOS consulted extensively with the Australian Local Government and Shires Associations and a variety of local councils (as per demonstrated letters of support). The result of this consultation was that while local government are extremely supportive of the idea of community committees having 'place name' websites and would be happy to have some involvement, they do not want to

play an onerous administration role for the new domains or host and run the subsequent websites. Hence their endorsement of the OCOS model/proposal.

### **2&3 The state OCOS authority/office assesses the proposal for the Independent Assessment Panel's approval and announcement**

It is envisaged that the OCOS authority in each state/territory should be managed by the best peak body identified. In light of this, the OCOS submission suggests the IT & /or Geographic Names Departments in each state and territory may be the most appropriate. A logical solution could include the hosting of the OCOS authority close to the IT departments that already manage the state.gov.au domains, thus having access to advice on IT infrastructure requirements and procedures.

NSW has already offered to run a pilot within their Department of Information Technology and Management. While the host government agency or department may vary from state to state, the NSW pilot in the OCOS submission represents an excellent example of who and how the system could be managed and maintained. In the pilot instance, it will be managed by the Department of Information Technology and Management (DITM) which hosts the Geographic Names Board for NSW and the Office of Information Technology.

The nature of the model (including the Independent Assessment Panel) ensures that the system is *hosted* by government and guarantees the inclusion of a range of peak body involvement and representation.

As part of stage 2&3, the application is referred to a meeting of the Independent Assessment Panel at its quarterly meeting; this body reports back to the state OCOS authority on final approvals of applications.

The Independent Assessment Panel is *hosted* by the State level OCOS Authority. All members are volunteers from peak organisations, representing the diversity of all community sectors. The Panel, as true representatives of all community sectors, make the final decision on applications for community domain names. The OCOS authority hosts the Panel meetings and assists with administration for meetings to occur. This includes an advisory report on all applications for Panel members assistance for each meeting. Once the decisions are made by the Panel, the OCOS authority then notify applicants and assist communities in website management issues.

While this role could be easily removed, it has been included to ensure that all applicants are assessed by an independent (non-government) body. The Panel acts as a 'peak body' that would be equitable to the make up of the community applicants applying for their community domain. The Panel would have representatives of all key community groups, ensuring that the final decision on registration is made by a Panel that is truly representative of the applicant group/s. Because the Panel is hosted by government, there is security in the maintenance and administration of the system in the long term. No other body has indicated an interest in providing this to community in a not for profit capacity, or has the capacity to provide the resources to administer it in such a manner.

The OCOS Model suggests handling of appeals for unsuccessful applications and any form of dispute (as per the outlined dispute resolution process in the OCOS submission) under a succinct protocol, firstly at the state level. If the

matter was unable to be resolved at the state level, appeal cases would be referred to the National Reference Group for final consideration.

Again, successful applications will be published/gazetted with an objection period ensuring public announcement/distribution of registrations.

A two year domain licence is awarded to successful applicants, ensuring that the applicant group remains the true representatives of that community by demonstrating this when renewing the licence at the two year renewal point. A two year licence was also selected to keep the model in line with current industry licence periods for domains.

- ***The Panel believes that management of community websites (or portals) is a separate issue to allocation of domain names.***

While the New Names Advisory Panel's comments on this area are quite valid, OCOS sees the two as mutually dependent. In order to have a portal website you need to have a domain name. And in order for the geographic domain system to work most effectively, registration policy in the new domain need also relate in some way to the requirements of the portal websites, also assisting to address national uniformity issues.

The OCOS proposal outlines a number of criteria and policy guidelines that refer to the portal sites, (as per the terms of reference of the submission process) and feel that these are extremely important aspects of the overall model/system that need to be fine tuned and further developed in consultation with all key stakeholders during the pilot and/or first stage of the gradual implementation of the system.

- ***All geographic names are of equal 3LD status. Beyond the state/territory 2LD, any community of any size could establish an online presence – there would be no further hierarchy of names.***

OCOS fundamentally agrees with the panels comments in terms of 3LD geographic names being equal.

However, in order to clearly determine equality of geographic names, there must be consensus on the definition of geographic names. In the case of the OCOS model this is not bound by postcode listings alone. It includes all names of geographic features as registered on the reserved list, originally agreed to by CGNA and Melbourne IT when the reservation of names was agreed to in the 1990s.

Every State and Territory within Australia has a compiled register of placenames for their own jurisdiction. These names have been assigned by way of legislation and have formally been recognised through notification in each State / Territory Government's Gazette. All authorities support the OCOS proposal.

A definitive listing for place names for Australia can be found at:  
<http://www.ausliq.gov.au/mapping/names/natgaz.htm>

This includes geographic areas where people reside or may reside in the future. However, in most cases, this does not currently include regions, as there are almost no legislated, registered or definitive regions.

Beyond defining geographic names is the issue of duplication within states and territories due to city/suburbs hierarchies. And in order to resolve this issue in particular, OCOS sees a need for flexibility in order to allow for duplications of names within a state or territory. While this may not seem to be a registration problem in the outset, as the domains become integrated within community and become essential communication tools and social and economic development mechanisms, the increasing number of sites may require the system to handle duplications of name in the future.

*(Please see attached comprehensive listing provided by the NSW Geographic Names Board that includes duplications of names in NSW. Similar lists would be available from GNBs in other states and territories)*

For this purpose the OCOS proposal offers the **suburb.townorcity.state.au** as an *option* – particularly in instances where there is duplication of a name with a town and a suburb in a city eg: Abercrombie is a suburb in Bathurst and a locality in Crookwell (a locality is the same as a suburb, but in a rural area). This means that you could have abercrombie.bathurst.nsw.au and abercrombie.crookwell.nsw.au as there is not one eligible applicant for abercrombie.nsw.au. The geographic name authority records would be the definitive source for determining the formal listing for duplication of names in the OCOS system.

**Therefore OCOS suggests these options be canvassed with key stakeholders and the best solution sought within the scope of the pilot and/or the first stage of the gradual implementation of the system.**

### **Taxonomy**

Taxonomy beyond the third level is aspect to the structure. Eg: [www.youth.bathurst.nsw.au](http://www.youth.bathurst.nsw.au) or [www.bathurst.nsw.au/youth](http://www.bathurst.nsw.au/youth). OCOS is of the view that either system is fine. However in terms of the IT infrastructure and registration processes required to support the sites, [www.bathurst.nsw.au/youth](http://www.bathurst.nsw.au/youth) is almost certainly the better option.

- ***Registry. A registry for the whole system would be selected by competitive tender, following procedures already established within Australia's domain name system.***

OCOS currently believes this is the most logical and industry accepted method, allowing for equity to all potential providers for a geographic domain system, which has the potential to be the size of the current .com.au registry, 250 000 registered names. It is predicted that the initial size would be 25,000.

- ***Ancillary domain names – other layers. There is the option (but not the necessity) of using the 2LD (www.state.au or www.australia.au ) as state or national community-based portal websites. The Panel welcomes comments on these suggestions.***

As part of its vision and model, OCOS proposes the following National Grid through the establishment of a National Community Portal Site.

OCOS envisages a national spatial information map as the access point/tool to all geographic (community) sites as the central feature of the National Community Portal Site. The Site would be maintained and hosted by the elected state/territory OCOS management authority by the National Reference Group. The National Community Portal Site (entry portal) would be [www.australia.au](http://www.australia.au).

From [www.australia.au](http://www.australia.au) users can select a state or territory by clicking on the selected area on the map of Australia. Once the area is selected, users are linked directly to the State or Territory site hosted by each state/territory OCOS management authority. From each state/territory's site, users can choose a community within it, eg: [www.kalgoolie.wa.au](http://www.kalgoolie.wa.au)

The National Community Portal delivers an easy to use, easy to access, logical way for finding any community in Australia. This is an excellent tool for presenting our Nation to the world that is community based and in the interests of the Australian public. Community contribution to the look and feel of the national site would be encouraged and facilitated by the host authority and the National Reference Group.

### **The National level entry portal – [www.australia.au](http://www.australia.au)**

In addition to the information above, [www.australia.au](http://www.australia.au) was proposed in the OCOS submission because:

1. [.au](http://www.australia.au) is not a geographic name. Australia is a geographic name.
2. [www.australia.au](http://www.australia.au) is part of the National Community Portal system that is presented as an idea in the OCOS submission ( as described above). From that site anyone could travel to any community portal site in Australia via the state sites. [www.Australia.au](http://www.Australia.au) would play the role of entry point to all Australian communities online, a navigation tool and would be easy to market and educate the public on accessing community portals. [www.au](http://www.au) instead of [www.australia.au](http://www.australia.au) is also fine for the national entry portal site, if it is deemed more or equally suitable by auDA .

### **The state level entry portal/s – [www.state/territory.au](http://www.state/territory.au) eg: [www.nsw.au](http://www.nsw.au)**

It is envisaged that these site be managed and hosted by the OCOS authority in each state and territory as an access point for all communities sites within the state.

Given this, all information on how communities can register their own sites including policies and application forms could be available from the state/territory portal site.

The OCOS model and structure is designed to ensure logical and simple navigation of all geographic community sites. Therefore the national and state entry portals, allowing simple linkages to all sites, play a particularly important role in the model.

- ***Geographic names in other 2LDs. At present geographic names are not permitted in com.au or net.au, although they are permitted in all other .au 2LDs. The Panel's view is that there would be grounds for removing the prohibition in com.au and net.au, should the auDA Board approve the proposal for community-based geographic domain names.***

OCOS maintains that the current reserved list of geographic names should remain in the current domains that it is applied.

These include all geographic names on the reserved list register that have been endorsed, gazetted and published by auDA. It important that the integrity of the communities name remain restored and not open to be misused by commercial entities.

The OCOS proposal allows the community the power to use their name in a manner that reflects the issues, concerns and interests of most of its members. If the reserve listing is lifted, organisations that purchase these community names in the .com and .net environment are under no obligation to represent these community interests and in fact may even publish material contrary to the community interest. As this is the case, it would be totally unacceptable if the community is made to compete against other commercial organisations in a .com or .net environment who have the rights to use that community's name.

OCOS believes that the basic right of the community to own its name should be respected. This right has been realised both in the area of trade marking and to date in the .au namespace for domain naming.

### **Why the Reserve List Exists (.com.au & .net.au)**

At this point it is reasonable to revisit the terms and reasoning behind the reserved list.

In 1998/99 the Committee for Geographic Names in Australasia (CGNA) successfully negotiated with Melbourne IT, the then authority in charge of the .au name space, to introduce a reserved listing for geographical names in Australia so they could not be misused as second level domain names.

The central reason for creating the reserved listing was to protect geographic names (as public assets - not owned by any single entity). OCOS and CGNA maintains their stance on the protection/ban on the use of geographic names in .com.au and .net.au for the same reason as the ban was implied in 1998/99.

Again, if the reserve listing is lifted, organisations that purchase these community names in the .com and .net environment are under no obligation to represent these community interests and in fact may even publish material contrary to the community interest. As this is the case, it would be totally unacceptable if the community is made to compete against other commercial organisations in a .com or .net environment who have the rights to use that community's name.

### **Risk of Mass Litigation**

The last thing OCOS, or any reasonable Australian would want, is to see an incredible increase in litigation of rightful ownership of names as is current practice at the TLD level and in other country code domains. OCOS believes that no one wins with this kind of system and cautions against geographic domains in .com.au and .net.au for this reason also.

It would be wonderful for Australia to lead the world in this area by simply continuing the reservation system in these domains as it currently stands.

### **The Current Case of geographic names for business use - .com.au & .net.au**

In almost all cases businesses do not have a complete geographic name as the operating business name (the geographic name is one word in the business name), as such a continuous restriction of geographic names as it currently stands does not effect businesses from registering their name.

For instance: Bart's Bathurst Barometers would not in any way be prevented from registering a name that is a reflection of the business name or the exact business name. They could register: bartsbarometers.com.au or bathurstbarometers.com.au or bartsbathurstbarometers.com.au or bbb.com.au etc

OCOS does not endorse the unfair competitive advantage of one business owner using a geographic name eg: Bill's Bathurst Tyres as Bathurst.com.au over other businesses who have Bathurst as part of their name. Such a use of a geographic name is not an equivalent representation of the business name and it competitively disadvantages all other businesses with Bathurst in their name.

Given this, all non-grandfathered geographic names in the .com.au and .net.au domains that have been unduly registered by registrars should be revoked at their next renewal and an alternative name more appropriate to that businesses name be applied. This is necessary in order to restore equal footing for all, particularly communities who are the rightful custodians of their names and businesses who are able to claim 'unfair' advantage over competitors (e.g: the fictitious Bart's Bathurst Barometers over Bathurst Florist or the very real example of Hamilton Island over Daydream Island). The solution to the mis-allocation of restricted domains is not to free them up for everyone to fight over but to restore and protect the domains as they should have rightly been.

Therefore OCOS suggests that auDA review registrars that are or have registered domains (or re-registered domains not covered under the grandfather clause applied as part of the reserved list agreement the 1990s) that are 'restricted' names and consider cancellation of licences from those registrars according to auDA's current code of conduct for registrars.

### **Use of geographic name where a business is present but a community is not.**

In the rare cases where there is a geographic location that does not 'seem' to have an associated community to that location but an operating business is present (such as Daydream Island) the following could apply (and associated OCOS policy updated to reflect this).

[www.daydream.qld.au](http://www.daydream.qld.au) could be registered under the current policy in the OCOS model because, there is definitely a community present if there is an operating business present.

Day Dream Island (the business) has employees that live full time on the island. They are therefore residents of the Island and form part of if not the majority of the Island community. The resort/business as the operating business in that community could very rightly be included on the business/economic/recreational/etc/etc pages on that community portal website as well as associated links to its own unique website as set out in the OCOS relevant criterias and policy in the domain.

### **Geographic Names in other .au domains (other than .com.au & .net.au)**

OCOS recognises the duplication of geographic names with peoples names and to account for this OCOS would endorse the use of geographic names in the id.au domain. However, as stated previously, geographic names need to remain protected in the domains which they are currently reserved ie: .com.au and .net.au. Again, if geographic domains are open on all 2LDs, it creates a detrimental effect on communities and the premise of allowing geographic names to be available in a

closed and equitable model such as OCOS - that is to preserve names for community use and not commercial misuse.

- ***Definition of a geographic name. Under the proposal, the state bodies including representatives of place name authorities, would determine which names were appropriate for use as 3LDs. They would also determine matters of style and presentation (eg. whether hyphens should be used in multi-word names).***

OCOS agrees with this statement. There are place name authorities in states/territories and an Australasian authority where all states and territories are represented.

Every State and Territory within Australia has a compiled register of placenames for their own jurisdiction. These names have been assigned by way of legislation and have formally been recognised through notification in each State / Territory Government's Gazette.

All authorities support the OCOS proposal.

A definitive listing for place names for Australia can be found at:  
<http://www.ausliq.gov.au/mapping/names/natgaz.htm>

In NSW, the Geographical Names Board (GNB - established in 1966) is the official body for naming and recording details of places and geographical names in New South Wales. The GNB, along with all naming authorities in Australia, fully supports the OCOS proposal and the proposed NSW pilot.

- ***Implementation. It is clear, as OCOS suggests, that some operational issues would only be resolved as they were worked through in practice. OCOS therefore proposes a pilot project before full release. The Panel notes that the process for allocating domain names and establishing the eligibility criteria could be subject to trial. However, because of the need for a significant technical investment to create the new 2LDs, it would not be financially viable to delete the 2LDs if they failed to work for policy or process reasons. A gradual implementation could result in modification, but not easily in revocation of the scheme.***

Through extensive lobbying and negotiation the OCOS Working Party were able to secure an agreement from the NSW State Government to run a pilot. The pilot would involve 4 case communities and the state entry/management site in terms of initial allocation of domains. In addition to this the scope of the pilot includes system and policy development ready for full implementation (to be developed in associated with key stakeholders and approved by auDA on completion).

The idea of the pilot is to get the entire model working smoothly before full implementation. This will also assist in establishing protocols for many associated issues including uniformity. OCOS's understanding is that the NSW government is happy discuss the pilot and any reporting/resolutions that auDA would need to have achieved to move on to full implementation.

However, given this and auDA's concerns for the costs of implementing the system OCOS fully supports the Panel's suggestion of a gradual implementation of the system.

***Respectfully Submitted***

**Natasha McGuire,**

**Convener**

**One City One Site (OCOS)**

**On behalf of the One City One Site (OCOS) Working Party.**