



**Australian Government**  
**Department of Finance**

Reference: 2015 Names Policy Panel – gov.au Domain Administration Submission  
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Dear Ms Lim

**2015 Names Policy Panel – gov.au Domain Administration  
Submission**

Thank you for the opportunity to comment on the 2015 Names Policy Panel (the Panel) Issues Paper. While we note that the gov.au 2LD is excluded from the Names Policy Panel Terms of Reference, the potential registration of domain names directly under .au could present issues for Australian Government agencies and Australian governments more generally. It may also present some opportunities for government.

The Department of Finance (Finance) has responsibility for the gov.au second-level domain (2LD) through a sub-sponsorship agreement with .au Domain Administration Ltd (auDA). In this capacity, we would like to raise the following issues relating to *Direct registrations under .au* for consideration by the Panel.

1. Potential confusion for internet users
2. Rights Protection for rights for existing gov.au domain Registrants
3. Word protection
4. Potential opportunities for government

## 1. Potential confusion for internet users

The Issues Paper flags the potential for confusion and reduced clarity for internet users who understand the existing 2LDs structure, i.e. com.au is for commercial entities, gov.au is for government entities etc, whereas registrations directly under .au would not provide this contextual meaning.

Under the [Australian Government Domain Name Policy](#)<sup>1</sup> agencies must use a gov.au domain to support their website/s, and not use other non-gov.au domain names (unless granted an exemption). The intent of this policy is to convey to users that a website supported by a gov.au domain can be trusted to be an authoritative government website.

While Australian Government agencies wishing to register a domain name under .au would be required to seek approval through the exemption process, the provision of Australian Government websites through an .au domain may confuse users as to whether the website could be trusted to be an ‘official’ government website. This would be a policy issue which would need to be resolved internally for Government, but is an issue nonetheless.

Conversely, the registration of a domain directly under .au by a non-government organisation using words associated with government i.e. agency names, programs or official titles, might give the appearance of being an official government site. It is possible that users may perceive these sites to be government sites and an associated risk that this situation could mislead or otherwise exploit users.

## 2. Rights Protection for rights for existing gov.au domain Registrants

At June 2014, there were 4,740 gov.au domains registered by Australian, state and territory governments.<sup>2</sup> It is anticipated that, if direct registration of domains under .au is introduced, the registrants of gov.au domains may have a strong interest in registering the equivalent domain under .au to ‘protect their brand’. Brand protection currently takes place, in some instances, where agencies register the equivalent .com.au, .net.au etc domain names to prevent them being registered by other entities.

We note that consideration of potential implementation mechanisms for opening up .au to direct registrations is outside the scope of the Panel's Terms of Reference. However, as indicated in the Issues Paper, the Panel is conscious that the impacts on existing .au registrations would need to be carefully considered if direct registrations were to be implemented.

An issue for Australian governments would be to ensure that the rights of registrants of existing gov.au domains would be equal to the rights of registrants of domain names under the open 2LDs for direct registrations under .au.

We note that there would also be a financial impact for agencies who feel compelled to ‘defensively’ register .au equivalents for no discernible gain.

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<sup>1</sup> The Australian Government Domain Name Policy  
<http://www.domainname.gov.au/domain-policies/australian-government-domain-name-policy/>

<sup>2</sup> Australian Communications and Media Authority Communications report 2013–14 p.45  
<http://www.acma.gov.au/theACMA/Library/Corporate-library/Corporate-publications/communications-report>

A related issue would be ensuring protection against the registration of domains equivalent to existing gov.au domains without the ‘.’ preceding ‘gov’. For example, the registration of pmgov.au could easily be misread as being pm.gov.au. As such, there should be a prohibition of any domain name with ‘gov’ immediately preceding .au, e.g. examplegov.au.

### 3. Word protection

The [auDA Reserved List Policy](#)<sup>3</sup> (List) sets out names that may not be used as domain names in the open .au 2LDs. This includes certain words and phrases that are restricted under Commonwealth legislation such as: *Commonwealth / Anzac / Universities / Red Cross / Olympic Games* etc. We note that auDA may update this list in line with any amended or new Commonwealth legislation. The names and abbreviations of Australian states and territories and the name ‘Australia’ are regarded as names of national significance and as such are reserved from general use.

The List does not however include other words that are, or could be considered to be, related to government entities or operations, e.g. ‘*Australian Government*’, ‘*Department of...*’, ‘*<program name>*’, that may, or may not necessarily be registered trademarks.

There are, of course, many generic words used in a government context, e.g. ‘social services’, that are in common use in a non-government context. While it would not be reasonable, or practical, to ‘protect’ words that other entities could expect to have legitimate right to use in a domain name (subject to any intellectual property rights), an issue for Australian governments would be what mechanisms (other than legislation) could be put in place to ensure that words specifically related to government could be protected.

It should be noted that there have been examples of domains that have been registered by non-government entities (under the current auDA 2LD policies), that have been misunderstood by users as being government related.

### 4. Potential opportunities for government

The direct registration of domains under .au may present opportunities for the domains of some Commonwealth entities to be presented in a different form. An example of this could be a *parliament.au* domain. At present, the Parliament of Australia uses the aph.gov.au domain. This implies that the Parliament is a government agency which is not actually correct (refer to [Parliament of Australia submission](#)<sup>4</sup> to the [New 2LDs Advisory Panel](#)<sup>5</sup> (2009-2010).

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<sup>3</sup> 2014-03 - Reserved List Policy

<http://www.ada.org.au/policies/2014-03/>

<sup>4</sup> Submission for a new second level domain (2LD) name –“parliament.au”

<http://www.ada.org.au/pdf/sub-aph.pdf>

<sup>5</sup> New 2LDs Advisory Panel

<http://www.ada.org.au/policies/panels-and-committees/new-2lds-advisory-panel/>

This concept could potentially be extended to other institutions such as the Governor-General and the Courts (and the state and territory equivalents) and other bodies that operate at 'arms-length' from government, such as Royal Commissions. There may also be interest from other organisations that may be perceived as separate from government to some degree, such as the military, police forces and some Corporate Commonwealth entities.

Such domains could be set up to operate in a similar fashion to the existing gov.au domain space i.e. the 2LD would support a Commonwealth domain, e.g. parliament.au, with 3LDs created to support the state and territory jurisdictions where appropriate, e.g. nsw.parliament.au. In a technical sense, it may be appropriate for such domains to be created as new closed 2LDs, supported by an Accredited Registrar, rather than as domains directly registered under .au.

Please do not hesitate to contact me if you have any queries in relation to this submission.

Yours sincerely

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