

**REVIEW OF POLICIES IN  
.AU SECOND LEVEL DOMAINS**

**Recommended changes to domain name  
eligibility and allocation policies in  
the .au domain space**

Final report of the auDA Name Policy Advisory Panel  
in accordance with Stage 2 of its Terms of Reference

April 2001

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## 1. INTRODUCTION

### 1.1 auDA Name Policy Advisory Panel

The Board of the .au Domain Administration (auDA) established a Name Policy Advisory Panel in June 2000, following a public call for participants that elicited over 60 nominations. A total of 30 Panel members were selected on the basis of relevant skills and experience, and ability to represent stakeholder views. The auDA Board appointed Derek Whitehead, Director, Information Resources, Swinburne University of Technology, as Chair of the Panel.

The Panel Terms of Reference and membership are at [Appendices 1](#) and [2](#).

### 1.2 Panel processes

The Panel held eight meetings, the first on 27 June 2000 and the last on 27 March 2001. On average, Panel meetings were attended by 15-20 members, together with 3-5 people participating via teleconference. Panel members used the closed mail list for discussion and document revision between meetings.

The Panel has undertaken an open and transparent process. Minutes from all Panel meetings are available on the auDA website, along with initial working papers.<sup>1</sup> The Panel Chair has provided progress reports at every auDA Board meeting.

The Panel delivered its Stage 1 report to the auDA Board in July 2000. In accordance with the Panel's Terms of Reference, this report was a compilation of all existing eligibility and allocation policies in .au second level domains (2LDs). The report is available on the auDA website.<sup>2</sup> In drafting the Stage 1 report, the Panel invited all 2LD delegates to provide comments about the existing policies.

The Panel released its first public consultation report on 15 November 2000, for a 3 week consultation period.<sup>3</sup> The Panel received 34 submissions, and most are available on the auDA website.<sup>4</sup>

The Panel released its second public consultation report on 16 February 2001, for a 4 week consultation period.<sup>5</sup> The Panel received 27 submissions, and most are available on the auDA website.<sup>6</sup>

Public discussion of both Panel reports took place on the Link and DNS mailing lists.<sup>7</sup> The reports received some media coverage, mostly in The Age and The Australian newspapers. A public consultation forum was held during the ICANN meetings in Melbourne on 12 March 2001, with an attendance of approximately 60 people.<sup>8</sup>

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<sup>1</sup> <http://www.auda.org.au/panel/name/papers/>

<sup>2</sup> <http://www.auda.org.au/panel/name/papers/stage1report.html>

<sup>3</sup> <http://www.auda.org.au/panel/name/papers/publicreport.html> or

<http://www.auda.org.au/panel/name/papers/publicreport.pdf>

<sup>4</sup> <http://www.auda.org.au/panel/name/submissions.html>

<sup>5</sup> <http://www.auda.org.au/panel/name/papers/publicreport2.html> or

<http://www.auda.org.au/panel/name/papers/publicreport2.pdf>

<sup>6</sup> <http://www.auda.org.au/panel/name/submissions.html>

<sup>7</sup> <http://sunsite.anu.edu.au/link/> and <http://www.listmaster.iinet.net.au/list/dns>

<sup>8</sup> <http://www.auda.org.au/docs/public-forum-report.html>

The Panel was pleased to note the number of substantive, well-considered responses to its public reports. The Panel has considered all comments in formulating and refining its final recommendations. The Panel has followed the auDA Advisory Panel Procedures version 2.3<sup>9</sup> as closely as practicable, in particular the requirement to work towards consensus. The recommendations in this report have the consensus support of the Panel.

Some Panel members did not support all the Panel's recommendations. Their views are expressed in a minority report at [Attachment A](#).

### **1.3 Extension to Panel Terms of Reference**

In February 2001, the auDA Board approved a 3 month extension to the Panel's Terms of Reference, to enable it to consider:

*"Those second level domains (2LDs) which should be created upon the commencement of competition, and particularly as a means of remedying pressing problems in the current Australian domain name system (DNS) which have been highlighted as part of the policy review process; and the means by which public consultation should be undertaken and decisions made."*

The Panel has canvassed the issue of new 2LDs in both of its public consultation reports, and has made a number of preliminary observations about the type of new 2LDs that would address inadequacies in the current Australian DNS, from a user perspective. The Panel will release a discussion paper for public comment in May 2001, before reporting to the auDA Board at the end of June 2001.

### **1.4 Coordination with auDA Competition Model Advisory Panel and auDA Dispute Resolution Working Group**

The work of this Panel and the Competition Model Advisory Panel is closely linked, and efforts have been made to ensure that the Panels are informed of each other's processes at regular intervals. This takes place via the Panel Chairs and secretariat, and through regular meetings of the Panel Chairs and common Panel members (6 people are members of both Panels).

Similarly, the Panel will maintain close links with the recently established Dispute Resolution Working Group, and notes that the Group includes 4 Panel members.

### **1.5 Next steps**

The Panel expects that the recommendations contained in this report, if accepted by the auDA Board, will form the basis of new domain name policy rules, to be drafted and published by auDA. The Panel recommends that changes to domain name policy be implemented in conjunction with the introduction of competition in the provision of domain name services.

The Panel recommends that the auDA Board publicly release this report as soon as possible, in the interests of openness and transparency.

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<sup>9</sup> <http://www.ada.org.au/panel23.html>



## 2. OBJECTIVES OF THE PANEL

### 2.1 Overview

The Panel is of the view that, thanks to the foresight of those involved with the early development of the Internet in Australia, the Australian DNS has become a valuable public asset and crucial piece of the national information infrastructure. It has produced a relatively stable and predictable environment that has facilitated a steady adoption rate of electronic commerce and Internet usage while largely avoiding disputes and cyber-squatting.

However, the Panel considers that in exchange for these benefits, users have faced some restrictions and up-front costs in meeting the current criteria to obtain a .au domain name. Some policies, such as the prohibition on generic domain names in com.au, have caused a noteworthy level of user dissatisfaction. As a consequence, it has become apparent that many Australians are choosing to license domain names in the generic Top Level Domains (gTLDs) and other country code Top Level Domains (ccTLDs).

The Panel has therefore been guided by the principle that any changes to domain name policies in .au 2LDs must be aimed at making it easier for Australians to license a .au domain name.

### 2.2 Desirable attributes of domain name policies

In considering possible changes to domain name policies, the Panel concluded that there are several desirable attributes of a good domain name policy. As there are some conflicting values underlying these attributes, no policy can meet all of them fully, and a balance will need to be struck within the criteria for each 2LD.

The desirable attributes are:

1. **Coherent.** A common set of principles, baseline policies and rules which apply to everyone across all 2LDs.
2. **Flexible.** Responsive to the different needs of different types of domains, and to changing environments.
3. **Competitive.** Protects domain users as the ultimate beneficiaries of a well-regulated system.
4. **Simple.** Clear and simple rules, applications simple to process.
5. **Robust.** Rules must be technically feasible and stable, and registry information should be reliable and publicly accessible.
6. **Consistent with other rights.** Including intellectual property rights of individuals and businesses.
7. **Internationally benchmarked.** Has regard to international standards and best practice, while also reflecting Australian community standards and identity.
8. **Participative.** Promotes self-regulation and stakeholder participation.
9. **Fair.** Promotes trust in the integrity of the system.
10. **Transparent.** Adequately addresses privacy and other consumer protection issues.

### 2.3 Open and closed 2LDs

The Panel recognises that there are some important differences between the .au 2LDs, largely relating to their purpose and management. The Panel has therefore divided the .au domain space into two categories:

- 'open' 2LDs - those 2LDs that are basically open to all users, subject to some eligibility criteria (asn.au, com.au, conf.au, id.au, info.au, net.au, org.au)
- 'closed' 2LDs - those 2LDs with a defined community of interest (csiro.au, edu.au, gov.au).

Where possible, the Panel has developed proposals intended to be applied across all 2LDs. Where this has not been possible, due to the particular characteristics and circumstances of some 2LDs, the Panel has specified the category of 2LD to which the proposal would apply.

[Schedule A](#) to this report sets out the different purposes and recommended eligibility criteria for open and closed 2LDs.

## **2.4 Competitive environment**

The Panel is aware that the domain name services market in Australia will be opened up to competition by the end of 2001, and that, under the new competitive regime, domain name policy checks may be implemented by multiple registrars. The Panel has therefore attempted to draft its recommended policies so that they can be applied objectively, or automatically (ie. by machine), thereby removing the need for subjective human scrutiny and avoiding the risk of policy-shopping by domain name licence applicants.

### 3. RECOMMENDATIONS OF THE PANEL

#### 3.1 Number of domain name licences

**Recommendation:**

**There is no restriction on the number of domain name licences that may be held by a single entity or individual.**

The Panel believes that the current policy of limiting the number of domain names to one per entity does not reflect user need or demand, and has led to the registration of hundreds of business names purely for the purpose of licensing a domain name.

The Panel is of the view that it is unnecessary to impose a quota on the number of domain names per entity or individual.

#### 3.2 Domain name licence renewal period

**Recommendation:**

**All domain name licences are subject to a renewal period, to be specified by auDA, or by the relevant 2LD administrator subject to ratification by auDA. A domain name licence is renewable subject to the continued eligibility of the domain name licence holder.**

The Panel believes that domain name licence renewal periods act as a constraint on people who license a domain name without intending to use it, and also serve as a mechanism to assist in keeping the DNS up-to-date and free of redundant domain names.

The Panel recommends that domain name licence renewal periods in the open 2LDs should be set by auDA. The Panel considers that the licence renewal period should be between 1 and 10 years, depending on the nature of the 2LD. In the case of the commercial 2LDs com.au and net.au, the renewal period should be no longer than 2 years.

The Panel notes that, in the closed 2LDs, entities are relatively stable so there is less need for them to regularly provide evidence of continued eligibility to hold the domain name licence. The Panel therefore recommends that domain name licence renewal periods in the closed 2LDs be set by the relevant 2LD administrator, subject to ratification by auDA.

#### 3.3 Domain name licence eligibility

**Recommendation:**

**Domain name licences will be allocated on a 'first come. first served' basis. In order to license a domain name in the .au domain space, the following conditions must be satisfied:**

- a. The domain name licence applicant must be an Australian entity.**
- b. The proposed use of the domain name licence must fit the purpose specified for the relevant 2LD (see [Schedule A](#)).**
- c. There must be a declaration of a 'good faith' intention to use the domain name licence for the purpose envisaged by the relevant 2LD. A 'good faith' intention to use the domain name licence for the purpose envisaged by the**

relevant 2LD, should be demonstrated in accordance with the rules applicable in that 2LD.

**d. Purposes that would not be considered ‘in good faith’ include but are not limited to:**

- i. licensing a domain name for the sole purpose of selling it;**
- ii. licensing a domain name for the purpose of diverting trade from another business or website;**
- iii. deliberately licensing misspellings of another entity’s company or brand name in order to trade on the reputation of another entity’s goodwill; and**
- iv. licensing and then passively holding a domain name licence for the sole purpose of preventing another from licensing it.**

**e. The domain name licence applicant must agree to be bound by any Dispute Resolution Procedure specified by auDA.**

The Panel wishes to emphasise that domain name licences will continue to be allocated on a ‘first come, first served’ basis. Provided the relevant eligibility criteria are satisfied, the first person to apply for a particular domain name will be allowed to license it.

Some Panel members did not support all parts of this recommendation. Their views are expressed in a minority report at [Attachment A](#).

*3.3 a. The domain name licence applicant must be an Australian entity.*

The Panel recommends that the current requirement for a .au domain name to be licensed to an Australian entity be maintained. An ‘Australian entity’ would include, for example, a business registered in Australia, an Australian citizen or resident, or other entity specified for the purposes of the relevant 2LD (see [Schedule A](#)). It would also include an owner of, or an applicant for, an Australian Registered Trade Mark.

*3.3 b. The proposed use of the domain name licence must fit the purpose specified for the relevant 2LD (see [Schedule A](#)).*

As explained in the introduction to this report, the Panel has divided the .au domain space into two categories:

- ‘open’ 2LDs – those 2LDs that are basically open to all users, subject to some eligibility criteria (asn.au, com.au, conf.au, id.au, info.au, net.au, org.au); and
- ‘closed’ 2LDs – those 2LDs with a defined community of interest (csiro.au, edu.au, gov.au).

[Schedule A](#) sets out the different purposes and proposed eligibility criteria for open and closed 2LDs. The stated purpose of some open 2LDs has been revised by the Panel to reflect the effect of its recommended changes to eligibility criteria. For example, the inclusion of an Australian Registered Trade Mark (or application for one) as an eligibility criterion in com.au and net.au means that these 2LDs will include commercial products and services, as well as commercial entities.

*3.3 c. There must be a declaration of a ‘good faith’ intention to use the domain name licence for the purpose envisaged by the relevant 2LD. A ‘good faith’ intention to use the domain name licence for the purpose envisaged by the relevant 2LD, should be demonstrated in accordance with the rules applicable in that 2LD.*

The Panel believes that, as a basic principle, a domain name should be appropriate to the entity licensing and using it. This principle is based on the notion that an entity should have a 'good faith' interest in a domain name relating to conducting a business or other activity under or by reference to the name in Australia.

[Schedule A](#) provides a list of eligibility criteria applicable in the open 2LDs. Any one of the eligibility criteria will be sufficient to support a domain name licence application, provided it is relevant for the purpose of the 2LD. The Panel considers that eligibility criteria for the closed 2LDs should be set by the relevant 2LD administrator, subject to ratification by auDA.

The Panel wishes to emphasise that it has not sought to establish a hierarchy of rights with regard to domain name licence eligibility in the open 2LDs. As indicated above, the 'first come, first served' principle applies. In the case of a dispute between two parties with competing rights to a domain name, the party which licensed the domain name first, in good faith, will prevail.

As indicated in [Schedule A](#) the Panel recommends that domain name licence eligibility criteria be extended to include Australian Registered Trade Marks in the commercial 2LDs, com.au and net.au.

The Panel also recommends that an *application* for an Australian Registered Trade Mark be included as an eligibility criterion in the commercial 2LDs. The reason for this decision is that it can take a long time (in some exceptional cases, up to 2 years) for an application for an Australian Registered Trade Mark to be approved, and it was felt that this constituted an inordinate delay for someone who wished to license the corresponding domain name.

The Panel notes that if the application for an Australian Registered Trade Mark has not been approved by the time of licence renewal, the domain name licence holder would no longer be eligible. However, the Panel notes that in most cases a domain name licence applicant would not seek to rely on the application for an Australian Registered Trade Mark alone, but would most likely also have a registered business or company name.

*3.3 d. Purposes that would not be considered 'in good faith' include but are not limited to:*

- i. licensing a domain name for the sole purpose of selling it;*
- ii. licensing a domain name for the purpose of diverting trade from another business or website;*
- iii. deliberately licensing misspellings of another entity's company or brand name in order to trade on the reputation of another entity's goodwill; and*
- iv. licensing and then passively holding a domain name licence for the sole purpose of preventing another from licensing it.*

The Panel notes that there are a number of other potentially harmful activities, such as cyber-squatting and domain name hoarding, and recommends that these should be prevented as far as possible.

This list is not intended to be exclusive; the Panel suggests that auDA may choose to specify other purposes that would not be considered 'in good faith' with regard to licensing domain names.

3.3 e. *The domain name licence applicant must agree to be bound by any Dispute Resolution Procedure specified by auDA.*

The Panel assumes that auDA will develop a dispute resolution procedure for the .au domain space, and notes the establishment of a Dispute Resolution Working Group for this purpose.

The Panel has stated its preference for a dispute resolution procedure modeled on the Internet Corporation for Assigned Names and Numbers (ICANN) Uniform Dispute Resolution Procedure (UDRP). The Panel considers that dispute resolution procedures should apply to all open 2LDs, and to closed 2LDs on an opt-in basis, with appropriate modifications if necessary. An Australian version of the UDRP should be devised and implemented by auDA before or at the same time as any changes to domain name policy.

The Panel considers that domain name licence applicants should acknowledge at the time of application that their entitlement to a domain name may be challenged by a third party with rights in the words forming the domain name.

#### **3.4 Connection between domain name and domain name licence holder**

##### **Recommendation:**

**There must be a substantial and close connection between the domain name and the domain name licence holder. A connection between the domain name and the domain name licence holder can be demonstrated if the domain name:**

- a. exactly matches the name on which the domain name licence application is based (eg. company name, trade mark, etc); or**
- b. is a name by which the domain name licence holder is widely known (eg. an acronym, abbreviation, nickname or alias) or is otherwise substantially and closely derived from the name on which the domain name licence application is based.**

The Panel believes that a domain name must be in some substantial way connected to the domain name holder, in order to preserve the integrity of the .au domain space and guard against activities such as cyber-squatting and domain name hoarding. The Panel considers that the current so-called 'derivation' policy of using consecutive sequences of letters has not been entirely effective (an example discussed by the Panel was 'Designer Merchant Banner Kings' supporting registration of banking.net.au).

The Panel has given much consideration to translating this broad principle into a workable rule. It acknowledges that the principle of derivation may be applied in different ways across the different 2LDs. However, the Panel also recognises that it would be unfair if a person were not permitted to license a domain name solely because their exact business (or other) name had already been licensed, quite legitimately, by someone else with the same name. The Panel concedes that it is probably not possible to formulate a derivation rule that can be applied automatically or objectively but still provides a limited degree of flexibility.

Therefore, the Panel has agreed on a recommendation which allows for a connection between a domain name and a domain name licence holder, rather than an exact match.

Although a decision that a domain name is ‘otherwise substantially and closely derived from the name on which the domain name licence is based’ may be regarded as a subjective one, the Panel maintains that in most cases there is a very clear difference between ‘substantially and closely derived from’ and ‘not substantially and closely derived from’, and it should be possible to apply the rule sensibly. If necessary, auDA could formulate guidelines for the application of this rule.

### **3.5 Domain names that begin with a number**

#### **Recommendation:**

**Domain names that begin with a number are allowed.**

It is commonly held that the rule that stated that domain names could not begin with a number is outdated. The Panel therefore recommends that domain names beginning with a number should be allowed, as per the Internet Engineering Task Force (IETF) Request for Comment (RFC) 1123.

### **3.6 Domain names that match TLDs**

#### **Recommendation:**

**Domain names that match TLDs are not allowed.**

The Panel notes RFC 1535, which points out that domain names with two alpha characters (eg. au.com.au) could ‘trick’ some types of client software, thereby giving rise to possible security problems where the domain name is the same as a ccTLD. Potentially, a domain name that is the same as a gTLD (eg. com.net.au) could be misused in the same manner. The Panel therefore recommends a prohibition on domain names that match TLDs.

The Panel suggests that domain name licence applicants should be advised that if they license a domain name that is subsequently allocated as a TLD, then the licence may be revoked.

### **3.7 Domain names that may not be licensed**

#### **Recommendation:**

**The following ‘reserved list’ approach will be adopted for domain names that may not be licensed:**

- a. domain names that may not be licensed will be placed on a reserved list, to be maintained by auDA;**
- b. all domain name licence applications will be checked against the reserved list, and domain names that appear on the reserved list will be rejected;**
- c. domain name licence applicants may challenge domain names on the reserved list, and auDA will determine whether the name should remain on the reserved list or whether changed circumstances mean the name can be licensed.**

The Panel notes that there are some words that are subject to statutory protection (for example, the word ‘anzac’ is protected under the Protection of Word ‘Anzac’ Regulations made under the *War Precautions Act Repeal Act 1920*). From time to time, other words may be protected for special events, such as ‘Sydney 2000’. The Panel considers that it

may also be socially desirable to restrict the licensing of some objectionable words; however, it makes no recommendation on the nature or extent of such restriction, if any.

The Panel recommends that a reserved list be established, to provide an automated checking mechanism for words that may not be licensed as domain names. The list would be publicly available, to provide transparency, certainty and guidance for potential domain name licence applicants.

The Panel's recommendation includes an avenue for appeal, so that words on the reserved list may be challenged by people who wish to use them as domain names. This provides procedural fairness, and also ensures that the list stays socially relevant.

The list would be created and maintained by auDA. The Panel recognises that auDA may decide that no words warrant inclusion on a reserved list.

### **3.8 Retrospectivity**

#### **Recommendation:**

**Changes to domain name eligibility and allocation policies do not have retrospective effect for current domain name licence holders. The new policy will only apply to existing domain name licences if the licence is re-registered to a different entity, or when the existing licence holder's licence expires.**

The Panel recognises that 'grandfathering' is accepted practice when introducing policy changes. Entities that licensed a domain name under the existing policies will have security of tenure over that licence (provided they continue to renew the licence as required).

The Panel notes that the intent of its recommended policy changes is to relax the current policies, thereby allowing more domain names to be licensed by more people. Therefore, it should not be the case that existing domain name licence holders would 'lose' their licence under the new policy, even if they were not expressly protected.

The Panel has reached this conclusion after considering the inconsistencies created by preserving the status of some domain name licence holders under the old policy, while requiring others to comply with the new policy.

## **4. GENERIC AND GEOGRAPHIC DOMAIN NAMES**

The Panel has deliberated at length on the issue of generic and geographic domain names. It is noteworthy that this issue attracted the most comments in response to the Panel's two public consultation reports, and that comments showed a wide range of viewpoints. The diversity of views on the Panel reflects that amongst the general public.

### **4.1 Generic domain names**

Generic domain names are prohibited in com.au, but are allowed in all other 2LDs. The Panel noted that if the prohibition on generic domain names were to be maintained in com.au, then for the sake of consistency it should be extended to other 2LDs too (or at the very least, to the other commercial 2LD, net.au).

There is consensus among the Panel that the restriction on generic domain names should be removed in some way, to meet public demand. However, there is no consensus about how or when the restriction should be removed. Some Panel members favoured maintaining the prohibition in com.au, but creating new 2LDs that would use generic names as gateways or portals (eg. cars.au, lawyers.au, etc), or new 2LDs that would allow generic domain names to be licensed as third level domains (3LDs). Other Panel members favoured removing the prohibition in com.au, in addition to the new 2LD options.

The Panel has decided to refer this issue to the auDA Board. If the Board decides to remove the prohibition on generic domain names in com.au, a discussion paper prepared by a sub-group of the Panel at [Attachment B](#) recommends the auction method of allocation. Note that this recommendation was put forward by the authors of the paper; it does not necessarily reflect the views of the whole Panel. If the Board decides to maintain the restriction on generic domain names, then the Panel suggests that the reserved list mechanism in recommendation 3.7 would be the best way to do this.

The Panel will also consider aspects of this issue in its consideration of new 2LDs; the Board may wish to wait for the outcome of this process before it makes a decision on generic domain names.

### **4.2 Geographic domain names**

Geographic domain names are prohibited in com.au and net.au, but are allowed in all other 2LDs. Both gov.au and edu.au use a geographic naming hierarchy.

As with generic domain names, there is consensus among the Panel that the restriction on geographic domain names should be removed, to meet public demand. However, there is a strong view that geographic domain names are a potentially valuable community asset and development tool, especially in regional Australia, and that the allocation of geographic domain names should be done in a manner that best captures that community value.

The Panel intends to address the issue of geographic domain names as part of its consideration of new 2LDs. Therefore, it has not put forward a recommendation on geographic domain names in this report.

## SCHEDULE A

### .AU SECOND LEVEL DOMAINS – PURPOSE AND ELIGIBILITY CRITERIA

#### Open 2LDs

In the .au domain space, open 2LDs are characterised by a 'first come, first served' approach with comparatively low barriers to entry for domain name applicants. Generally speaking, any person or entity can apply for a domain name in an open 2LD provided they meet the purpose of the 2LD.

*Table A: Purpose of Open 2LDs*

2LD	PURPOSE
asn.au	For 'associations'. Includes associations incorporated under specific state legislation, some incorporated bodies, political parties, trade unions, sporting and special interest clubs and 'partnerships' between disparate organisations.
com.au	For commercial purposes. Includes commercial entities currently registered and trading in Australia, as well as commercial products and services.
conf.au	For short duration conferences and exhibitions.
id.au	For individuals.
info.au	For major information resources.
net.au	For Internet-related commercial purposes. Includes commercial entities currently registered and trading in Australia, as well as commercial products and services.
org.au	For 'organisations'. Companies, statutory authorities, partnerships, etc, are all acceptable, as is almost anything else that can reasonably be considered an organisation.

The Panel recommends that the following set of eligibility criteria should be applied to all open 2LDs, as appropriate:

- i. a decision by a court or other accredited tribunal;
- ii. an Australian Registered Trade Mark, or Trade Mark application;
- iii. proof of identity (eg. Australian passport, Australian drivers' licence);
- iv. an Australian Business Number;
- v. a Business Name or Company Number registered in Australia;
- vi. other appropriate evidence supported by a statutory declaration and proof of identity of the applicant.

Clearly, the applicability of these criteria will vary according to the purpose of the open 2LDs. This is demonstrated in Table B below.

*Table B: Possible Application of Eligibility Criteria to Open 2LDs*

	asn.au	com.au	conf.au	id.au	info.au	net.au	org.au
i	✓	✓	✓	✓	✓	✓	✓
ii	✓	✓	✓		✓	✓	✓
iii				✓			

iv	✓	✓				✓	✓
v		✓				✓	
vi	✓	✓	✓	✓	✓	✓	✓

### Closed 2LDs

In the .au domain space, closed 2LDs are those with defined communities of interest. Applicants must demonstrate that they belong to a well-defined class or sector in order to qualify for a domain name in a closed 2LD.

Due to the differing scope and purpose of the closed 2LDs, it is not possible to apply one common set of eligibility criteria. Therefore, the Panel recommends that the eligibility criteria in the closed 2LDs will continue to be determined by the relevant authority for the 2LD, subject to ratification by auDA.

*Table C: Purpose and Eligibility Criteria of Closed 2LDs*

2LD	PURPOSE	ELIGIBILITY
csiro.au	For exclusive use by the Commonwealth Scientific and Industrial Research Organisation.	Eligibility to licence a domain name is demonstrated if the applicant is an employee of CSIRO.
edu.au	For education-related bodies.	Eligibility to licence a domain name is demonstrated by sufficient evidence, as determined by the registrar, that the requesting body is education-related.
gov.au	For exclusive use by Australian governments.	Eligibility to licence a domain name is demonstrated by reference to an Act of Parliament or government regulation.

## ATTACHMENT A

### MINORITY REPORT IN RELATION TO RECOMMENDATION 3.3 AND 3.4

A number of panelists have disagreed with the recommendations allowing an application for registration of an Australian trademark to form the basis for registration of a domain name. The dissenting views come from Rowan Groves representing the Australian Competition & Consumer Commission, Tony Hill (ISOC-AU), Cheryl Langdon-Orr and Leanne Schultz (connect.com.au). Dissent on this point affects several recommendations under 3.3, most notably b. and c., and 3.4b.

The minority comments are informed by the belief that the .au DNS is primarily an addressing system, that there should be no hierarchy attached to rights to a domain name beyond 'first come, first served', and the understanding that any relaxation of a framework such as the .au DNS opens the door to practices which have not been enabled to any great degree before now. The possibility may now exist that the benefits to be gained from greater ease of, and flexibility in licence registration may be more than offset by unnecessarily increasing the ease with which equitable access to new domain names may be denied. In particular, the trademark system might be used to hoard names or otherwise block access to names.

#### *Recommendation 3.3 b.*

There is a minority view that prefers that registered trademarks only be used for establishing the right to a domain name. The preference covers trademarks only insofar as the trademark relates to the name of the entity seeking a licence. Introduction of products and services as the basis for domain names would be best left for consideration of the introduction of new 2LDs. Retaining the emphasis on names being derived from the name of the applicant allows consistency across all 2LDs and so would be in keeping with desirable attributes covering competitiveness, simplicity, fairness and transparency.

#### *Recommendation 3.3 c.*

The minority view is that allowing trademark applications as the basis for domain name registration will allow increased numbers of people to register names in bad faith, and retain those names until the trademark application has been rejected, or through to the time of renewal. Secondly, in some instances, a trademark may be issued but then not used. In these circumstances, and depending on the requirements of the ADR process, other claimants to the name will need to challenge the trademark before they can challenge for the domain name. Thirdly and also dependent on the nature of the ADR process, some licence holders may be challenged by people who have no other claim to an existing name apart from a trademark application [the Argy car example]. A fourth drawback to the recommendation is the pressure it will place on small business and individuals without an ABN or other business identifier to make trademark applications in order to protect their domain names. This pressure may be felt even if the affected parties have other identifiers, and in many instances the additional cost of this protection may result in individual licence holders foregoing an Internet presence.

The overall result of the implementation of the recommendation that should be protected against is an increase in the number of bad faith registrations, the number of disputes,

the abuse of the trademark registration system, the loss of faith and confidence in the .au DNS, and the increase in average cost to users of the .au DNS.

*Recommendation 3.4 b.*

Should auDA accept the minority views expressed above, then it will be necessary to change the wording of this recommendation to read 'is a name by which the domain name licence holder is widely known (eg. an acronym, abbreviation, nickname, alias or registered trademark) or is otherwise substantially and closely derived from the name of the domain name applicant.'

**POSSIBLE APPROACHES TO THE ALLOCATION OF  
GENERIC AND GEOGRAPHIC DOMAIN NAMES**

**Discussion paper prepared by Alan Chalmers, Ian Johnston and Derek Whitehead**

**Introduction**

The Name Policy Advisory Panel's second public consultation report, released on 16 February 2001, recommends that the restriction on generic and geographic domain names be maintained, using a 'reserved list' approach, until an appropriate licence allocation method has been devised.

The report also states that the Panel will consider possible allocation methods for generic and geographic domain names and the ways in which transition to a new policy may be managed, at its meeting at the end of March 2001.

This paper has been drafted as a basis for discussion by the Panel on 27 March 2001, pursuant to the above.

The paper is written on the assumption that the eligibility requirements set out in the second consultation report will be largely implemented – in other words, that there will be a significant level of protection in the system against the speculative use of generic and geographic names.

It should be also noted that generic names are already permitted in all 2LDs other than com.au, while geographic names are barred in both com.au and net.au. In order to adopt a consistent practice, current prohibitions would also have to be extended, as a minimum, to exclude generic words from net.au.

**Why does a restriction exist on use of generic and geographic domain names?**

The principle of restricting use of geographic and generic names in some commercial 2LDs was developed to conserve the domain name space to provide for growth in use of the internet and to allow future users a reasonable chance to obtain a satisfactory domain name. Therefore, policy was developed in the .com.au space which avoids "allocating those names which seem to be notably 'better' than others, as it was expected that those would soon all be taken, leaving no way for future generations to achieve any degree of parity".<sup>1</sup>

The main reason put forward by the Panel for continuing to limit use of generic and geographic names is the belief that their use confers an undue advantage to the licence holder. For geographic names, it has been argued that the community that lives in a geographical area should be the custodian of that area's domain name, rather than an individual or business.<sup>2</sup>

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<sup>1</sup> Robert Elz, Submission to Name Policy Advisory Panel Second Public Consultation Report received 15 March 2001

<sup>2</sup> One City – One Site Working Party, Submission to Name Policy Advisory Panel Second Public Consultation Report received 14 March 2001

## Why remove the restriction on generic and geographic domain names?

The following arguments have been put forward for removing the restriction on generic and geographic domain names:

- Users and businesses want to access generic and geographic names because they are easily remembered, intuitive, meaningful, well known or easily recognisable.
- There are indications that there is a large, pent-up demand for generic and geographic names, because they are regarded as intrinsically valuable, for e-commerce and other online purposes.
- The current policy of prohibiting the licensing of generic and geographic domain names in commercial 2LDs means that thousands of valuable domain name licences cannot be issued, leading to a loss of revenue and resources.
- The current policy is a barrier to e-commerce by Australia's one million small businesses, notably those in regional and rural Australia, with consequences in terms of income and employment. There is a potentially significant aggregate effect at a national level.
- A significant number of generic names and some geographic names in the .com.au space have been registered. A submission to the Panel's second public consultation report lists 1,371 generic and geographic domain names that have been registered in com.au <sup>3</sup> (examples include travel.com.au and insurance.com.au which were registered prior to October 1996, and the geographic domain names sydney.com.au, melbourne.com.au, brisbane.com.au and adelaide.com.au).
- The restriction on generic and geographic domain names does not apply in all 2LDs. For example, geographic names have been registered in the edu.au space, generic names have been registered in .net.au and generic and geographic names have been registered in .asn.au. This inconsistency has made it difficult for potential licence applicants to understand why generic and geographic names should be restricted in com.au.
- It is doubtful whether a generic or geographic domain name is intrinsically more valuable than other domain names. Such value is largely a function of the effectiveness of the domain name holder's online activity.
- In a competitive registry/registrar environment, policy to restrict the use of generic and geographic domain names is likely to require the development of lists of unavailable terms. An authoritative list of geographic names is relatively easily obtained from sources such as the Australian Surveying and Land Information Group (AUSLIG) or Australia Post's list of postcodes. However, the development of a restricted list of generic words is more problematic due to the lack of either an agreed definition of 'generic' or an authoritative source of generic terms. To restrict

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<sup>3</sup> Andrew Headford, Submission to Name Policy Advisory Panel Second Public Consultation Report received 14 March 2001

registration of all words contained in a dictionary would be excessive, and sources such as the Yellow Pages may miss some generic terms.

- A further difficulty with a restricted list approach is that words that represent generic and geographic terms can also, in other contexts, represent business names, individual names and trade marks (eg. geographic terms such as Murray, Carlton and Ryan, common words such as Law, Orange and Cherry). A restricted list approach may therefore unfairly disadvantage businesses and individuals with these names who may otherwise be able to acquire a domain name by demonstrating a sufficient association with the relevant term.

### **What problems would arise in permitting the licensing of generic and geographic domain names?**

The Panel has expressed concern that a change of policy, to permit the licensing of generic and geographic domain names in 2LDs that currently prohibit them, would give rise to significant transitional problems. These problems include:

- How to ensure that the potential value of generic and geographic domain names is captured for the benefit of all Internet users, not just the domain name licence holder.
- How to give due consideration to those people who were denied the opportunity to licence particular generic or geographic domain names in the past.
- How to avoid administrative chaos in removing the restriction and opening up the floodgates for applications for generic and geographic domain names.

### **What are the possible methods of licence allocation for generic and geographic domain names?**

In its submission to the Panel's first public consultation report, the Australian Communications Authority (ACA) noted similarities between policies to allocate new sought-after domain names and its own proposals to allocate previously unavailable ranges of desirable freephone and local rate telephone numbers. While the potential space for domain names and telephone numbers is very large, only a relatively small proportion of it is likely to be valuable to users. In particular, easily memorable names and numbers are eagerly sought. These valuable numbers and names clearly include numerous generic and geographic phone words and domain names. The ACA noted that there are clear implications for competition policy as well as possible public interest considerations that should be taken into account.

In its first public consultation report, the Panel noted the following methods may be used to allocate domain namespace – 'first come, first served', lotteries, tenders, auctions and gateways.

#### *'First come, first served'*

Subject to compliance with other policy rules, domain names are licensed to applicants on a first come, first served basis. Extending this method to include the allocation of previously-prohibited generic and geographic domain names, licence holders would have exclusive use of a generic or geographic domain name(s) for a specified annual/bi-

annual charge, which may be fixed for all licences or varied according to some notion of the market value of a particular name.

A variable charge could be used to provide a revenue stream that would assist auDA to cover the costs involved in developing policy. However, this would have the disadvantage of requiring auDA to attribute a value to each name.

However, assuming that pent-up demand exists for some names, there are likely to be logistical difficulties involved in managing a 'first come, first served' allocation mechanism when restricted names become available. Applicants who have previously been refused allocations may dispute the results of a 'first come, first served' process which becomes operational at a future point in time.

In addition, it is likely to be the case that

- first-in, first-served mechanisms reward the fortunate and may lead to cybersquatting and an inefficient use of the domain namespace (however, under the proposed new rules, all applicants would need to meet eligibility criteria, such as a clear connection between the domain name and the name of the entity); and
- attempts to recognise that value exists in particular domain name licences via fixed prices are likely to under-value some licences (thus creating an incentive for the holder to profit from trading) and over-value others (leading to unused resources).

### *Lotteries*

Lotteries are a competitively neutral and non-discriminatory method of allocating domain name licences, and involve applying a chance generator to determine the allocation of a domain name licence. Lotteries may take different forms including raffling of domain name licences and raffling the right to choose a domain name licence. Using a lottery approach, winners would have exclusive use of a generic or geographic domain name(s) for a given annual/bi-annual charge.

It is likely that use of lotteries without qualifying criteria would encourage entry by participants who do not value a particular domain name highly and are therefore also likely to create an incentive for the winner to profit from trading. However, the application of proposed new eligibility rules and requirements relating to the appropriateness of names to entities (see section 4.1 of the Name Policy Advisory Panel Second Public Consultation Report) would overcome this problem to a large extent. Lotteries would be qualified, in the sense that they would be open only to participants who are able to demonstrate a connection to the domain name. A lottery could be made self-funding by the use of entry fees. These entry requirements could be used to preserve the integrity of the DNS by upholding the requirement for a strong linkage between domain names and trade marks as a key component of domain name policy.

### *Tenders*

Two kinds of tenders may be used to allocate generic and geographic domain name licences:

Highest bid tenders: Under these tenders, the domain name licence would be assigned to the tenderer who nominates the highest monetary bid.

'Beauty contests': These differ in that the monetary bid is only one of several factors deciding which tendered is assigned a particular domain name licence (and may not

even be a factor at all). They are adopted when it is considered necessary that the allocation be decided on the basis of use to which a domain name licence will be put or on the basis of qualities of the tenderer.

In its assessment of valuable telephone numbers, the ACA found that use of qualitative tenders is likely to be resource intensive and subjective.

Further analysis of highest bid tenders follows under 'Auctions'.

### *Auctions*

Auctions would involve competitive price bidding for generic and geographic names. Auctions are similar to highest-bid tenders (described above) except that their open nature makes additional information available to bidders. Bidders will have been through a short-listing or pre-qualification phase, like the entry conditions for lotteries described above. Auctions enable the market to determine the value of a licence via bidding. They provide a means of realising the value businesses and users place on particular domain names, which would otherwise be difficult to determine. Economic theory regards the person who is most willing to pay for a commodity as the person who values the commodity most highly and holds that a commodity will be put to the most efficient use by the party who values it most highly.

Market-based methods of allocation allow use of the pricing mechanism to identify the party that values the use of the domain name most highly, leading to an allocatively efficient use of the domain name. It also provides a potential revenue stream to assist in funding auDA's ongoing work in developing policy.

The allocation of a resource by auction acknowledges that trading of the resource is likely to occur irrespective of the allocation method and that auDA is in a position to influence the destination of some of the windfall gains associated with the value of generic and geographic names by capturing the value at the time of allocation.

If domain names are to be allocated via market-based means, issues such as eligibility to allocate and bid for domain name licences and the destination of any additional revenue would need to be addressed, in close consultation with the Competition Panel.

Auctions may be inconsistent with some of the objectives of competition and name policy as they may:

- increase, rather than reduce the costs of domain name registration (contrary to the Terms of Reference of the Competition Panel);
- lead to the accrual of windfall gains to a monopoly body (ie. auDA) which could be considered anti-competitive (although, as a non-profit organisation, auDA would be required to redistribute the revenue for the benefit of its members); and
- dilute the requirement for strong linkages between domain names and trade marks as a key component of naming policy (though this may be mitigated by the use of entry conditions).

In addition, auctions may advantage large businesses, with greater financial resources, over small businesses. Finally, bidders at auction may find it difficult to estimate the value of a domain name given uncertainty about any new 2LDs that may be introduced at a later stage. These new 2LDs may reduce the value of existing domains. A policy

statement by auDA relating to any new commercial 2LDs might help bidders assess commercial risk.

### *Gateways*

Both tenders and auctions could be developed to enable the granting of special generic and geographic domain name licences, requiring licensees to establish generic or geographic gateway services and giving rights of shared access to eligible businesses. Such an approach would enable consumers to exercise choice in how to access information and resources.

This approach could also be utilised to provide funding for the administrative costs associated with the development and management of such a structure.

### **Retrospectivity issues**

The current policies relating to generic and geographic names have now been applied over a number of years, and many people have had requests for particular generic and geographic names refused. Other people have not proceeded with particular domain name applications on the advice of their agent (such as a reseller) or because they themselves rightly believed that the name would not be registered. Suggestions that a previous application would confer some kind of priority under the new rules, would have to be firmly rebutted.

Recent discussion on the DNS list has made this point strongly, and it has been suggested that, apart from being informed of the impending availability of a name perhaps, previous applicants would have no retrospective claims on particular names.

### **Differences between generic and geographic domain names**

Many of the arguments for lifting restrictions apply equally to generic and geographic domain names. To avoid repetition the Panel has tended to discuss generic and geographic domain names together. However, there is a recognition that the two categories are not the same. While both types of domain names have potential commercial value, there is an element of community value attached to geographic domain names that is not present in generic domain names.

The community value of geographic domain names can only be realised if they are managed by the relevant community itself, as a public asset. For that reason, a market-based allocation of geographic domain names may not be appropriate. A solution may lie in the creation of new geographic 2LDs (eg. nsw.au, act.au, etc).

### **Recommendation – for consideration by the Panel**

#### *Generic domain names*

Assuming the Panel decides to recommend that the restriction on generic domain names be lifted, the following recommendation is put forward with regard to the allocation of generic domain names:

1. Prior to the introduction of new domain name policy rules, auDA calls for applications for all domain names on Melbourne IT's internal list of domain names rejected for being generic (estimated to be in the hundreds). Due to the absence of an agreed definition of 'generic', no attempt should be made to identify other domain names that could be considered generic. Applications would be open for one month (or so).
2. auDA considers all applications for domain names on the Melbourne IT list.
  - a. If no applications are received for a particular domain name, then that domain name is returned to the registry for allocation under the new rules.
  - b. If only one application is received for a particular domain name, then that domain name is allocated to the applicant under the new rules (assuming all other eligibility criteria are met by the applicant – if not, then the domain name is returned to the registry as above).
  - c. If more than one application is received for a particular domain name, then that domain name is auctioned by auDA (or a body delegated by auDA).
3. Auctions of generic domain names would be a one-off event for the purpose of meeting existing demand; as 'generic' domain names would no longer exist under the new rules, there would be no need for auDA to hold future auctions. The proceeds would, in the first instance, be used to meet the costs of the auction and other transition costs associated with auDA's implementation of the new policy. Any surplus would be set aside by auDA for specific purposes related to the administration of the Australian DNS (eg. dispute resolution, ongoing policy review, etc).

### *Geographic domain names*

The same allocation method as that recommended for generic domain names could also be extended to apply to geographic domain names. However, if the Panel is of the view that geographic domain names should be used for the benefit of the relevant community, the method outlined above would not necessarily achieve that outcome.

### **Alternative approach**

The Panel could recommend that auDA engage a professional consultant or merchant banker to undertake a scoping study and public discussion paper to more fully investigate the issues considered in this paper. A discussion paper would be based on a study to scope the development and implementation of an appropriate gateway system model, probably a market-based one, for the allocation of generic and geographic domain name licences, which is in the public interest and accords with auDA Constitution.

The issues to be considered include:

- What is the most appropriate market-based system – tender and/or auction – for the allocation of generic and geographic domain name licences. What other methods might be used to allocate licences and in what circumstances?
- If the costs of administering a market-based system were considered to be too great, what alternatives could be used to determine the market value of a domain name?

- Should auDA attempt to identify particular domain name segments to be allocated via any new allocation system?
- What is the optimum charging system under market-based allocation? Is it a one-off allocation charge, an ongoing 'licence charge' or a combination of the two?
- Is it necessary to ensure there is equity between all potential bidders in an auction of or tender for domain names?
- What evaluation criteria should be used for pre-qualifying bidders in any auction of generic or geographic domain names? What evaluation criteria should be used for selecting tenderers to manage generic or geographic domain names allocated under any tender system?
- Should the allocation of domain name licences via market-based means be limited in duration? If so, what is the optimum length of allocation?
- Is the potential for breach of registered or unregistered trade mark associated with use of domain names likely to reduce the attractiveness of particular domain names to potential bidders at tender or auction?
- What rights and obligations should be conferred on an applicant that is allocated a generic or geographic domain name licence under any tender or auctions system?
- Are there any grounds for restricting or otherwise regulating the trading of domain names that are allocated via market-based means? Should trading of licences be permitted and, if so, under what conditions?

*(Extract from Panel working group paper 'Names with Fences – Prohibited Names', 30 October 2000)*

## Review of Policies in .au Second Level Domains

### auDA Advisory Panel No. 1 Terms of Reference

Revision Date: 8 May 2000

This document is the Terms of Reference for the auDA Policy Advisory Panel Number 1, for Review of Policies in .au Second Level Domains.

#### 1. Activity and outcome

This Policy Advisory Panel is set up to review two policy areas for .au second level domains:

- Applicant Eligibility Policy - Policy that determines which entities are eligible to apply for a domain name.
- Name Allocation Policy - Policy that determines which names are allowed to eligible entities applying for domain names.

The Policy Advisory Panel has two stages:

- Stage 1: Identify and document the existing policies in a format suitable for inclusion on the auDA website.
- Stage 2: Recommend changes, if any, to existing Eligibility and Allocation policies.

Prioritisation of work is at the discretion of the panel. However, consideration should be given to prioritising existing areas of user concern, including review of policies necessary to support introduction of competition between registrars in major second level domains. For second level domains not available to the general community (eg. .gov.au) the panel may consider passing the documentation and review task to the authority for that second level domain.

#### 2. Duration

The estimated timeline for the panel is subject to change. The current estimate is:

Total Time	Elapsed Time Complete	Task
		TOR Confirmed
2 weeks	2 weeks	Call for panel participants
4 weeks	2 weeks	Panel participants confirmed
8 weeks	4 weeks	First panel meeting
20 weeks	12 weeks	Develop Stage 1 Working Paper
23 weeks	3 weeks	Develop Stage 2 Working Paper
27 weeks	4 weeks	Stage 2 Draft Paper issued for public consultation
		Develop Stage 2 Proposed Paper

29 weeks	2 weeks	Stage 2 Proposed Paper issued for public consultation
30 weeks	1 week	Develop Stage 2 Report
32 weeks	2 weeks	Stage 2 Report confirmed
44 weeks	12 weeks	Implementation of recommendations

### 3. Chair

The panel Chair is Derek Whitehead.

### 4. Members

The panel should include representatives from the following areas of the community:

- Consumers
- General domain name users
- Registrars
- ISP & Web Hosting entities
- Intellectual Property

Panel membership will be limited to 30. auDA will issue a general invitation via the auDA members and dns discussion lists to interested parties to participate in the panel.

### 5. Operations and budget

Members of the panel will determine their method of operation. auDA will provide email list server, web site including archived comments provided to the panel, documentation of work, will arrange meeting venues, and provide teleconference support for meetings.

**auDA Name Policy Advisory Panel  
Membership**

**Chair**

Mr Derek Whitehead  
Director, Information Resources  
Swinburne University of Technology

**Members**

Mr Philip Argy  
Senior Partner  
Mallesons Stephen Jaques  
(representing the Australian Computer Society)

Mr Alan Chalmers  
Numbering Team  
Australian Communications Authority

Mr Mark Davidson  
Partner  
Marshall Marks Kennedy Lawyers

Mr Steve Fielding  
General Manager  
National Office for the Information Economy

Mr Brandon Gradstein  
Student  
Monash University

Mr Ian Halliday  
Director  
Melbourne Trading Post

Mr Keith Inman  
Director, Electronic Enforcement  
Australian Securities and Investment Commission

Mr Ian Johnston  
Policy Consultant  
Small Enterprise Telecommunications Centre Ltd

Ms Christine Page-Hanify  
Chief Executive Officer  
Access Online  
(representing the Australian Digital Alliance)

Dr Evan Arthur  
Assistant Secretary  
Department of Education, Training and Youth  
Affairs

Ms Sandra Davey  
Consultant  
SMS Consulting Group Ltd  
(representing the Australian Interactive Multimedia  
Industry Association)

Ms Kitty Davis  
Executive Secretary  
South Australian Internet Association

Ms Odette Gourley  
Partner  
Minter Ellison

Mr Rowan Groves  
Project Coordinator  
Australian Competition and Consumer Commission

Mr Tony Hill  
Executive Director  
Internet Society of Australia

Mr Ron Ipsen  
Managing Director  
Gippsland Internet Pty Ltd

Ms Cheryl Langdon-Orr  
Managing Director  
Hovtek Pty Ltd

Mr Steve Pretzel  
Managing Director  
Pretzel Logic  
(representing the Australian Chamber of Commerce  
and Industry)

Mr David Purdue  
President  
Australian Unix Users' Group

Mr Daniel Rechtman  
Consultant Solicitor  
(representing Melbourne IT)

Mr Joshua Rowe  
E-Pay Project  
Australia Post

Mr Tony Serong  
Director  
KPMG Legal  
(representing the Service Providers' Action Network)

Mr Galen Townson  
Western Australian Internet Association

Mr Michael Wolnizer  
Partner  
Davies Collison Cave  
(representing the Internet Industry Association)

Mr Cliff Reardon  
General Manager  
ClicknGo!

Mr Peter Reynolds  
Chief Manager, Technology Strategy  
Commonwealth Bank of Australia

Ms Leanne Schultz  
Manager, Client Connections  
connect.com.au

Ms Cathy Thawley  
EC Business Advisor  
Tradegate ECA

Mr Ross Wilson  
Registrar of Trade Marks  
IP Australia

Mr Anthony Wyatt  
IT Services  
Commonwealth Scientific and Industrial Research  
Organisation

## APPENDIX 3

### GLOSSARY

TERM	DEFINITION
auDA	.au Domain Administration - the Australian body established by the Internet community to take over the administration of .au domain name registration
ccTLD	country code Top Level Domain - in the global domain name hierarchy, all countries have been allocated their own top level country domain (eg. .au in Australia, .uk in the United Kingdom)
closed 2LD	a Second Level Domain that has a defined community of interest (eg. csiro.au, edu.au, gov.au)
domain name	provides a means for a user to access a computer on the Internet by using an easy to remember text name rather than numerical Internet address
domain name licence	the licence to use a domain name for a specified period of time
DNS	Domain Name System
entity	encompasses a company, organisation, association, statutory body etc
gTLD	generic Top Level Domain - in the global domain name hierarchy, there are a number of top level domains that operate in the same way as ccTLDs (eg. .com, .net, .org)
IETF	Internet Engineering Task Force
ICANN	Internet Corporation for Assigned Names and Numbers - the international domain name governing body
open 2LD	a Second Level Domain that is basically open to all users, subject to some eligibility criteria (eg. com.au, net.au, org.au)
Registered Trade Mark	a name, word or word/number combination that has been registered under the <i>Trade Marks Act</i>
registrar	an organisation that provides domain name registration services
registry	a database containing information about domain names and domain name licence holders
RFC	Request for Comment - the basis for official Internet standards
2LD	Second Level Domain - the next domain level in the global domain name hierarchy after the gTLD or ccTLD (eg. com.au)
3LD	Third Level Domain - the next domain level in the global domain name hierarchy after the 2LD (eg. wombat.id.au)
UDRP	Uniform Dispute Resolution Procedure
Unregistered Trade Mark	a name, word or word/number combination that is known in connection with a person either through commercial trading or other activities such as advertising (also known as common law marks)