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Submission to 2010 Names Policy Panel

1A QUESTION

a. Should the restriction on registrants being Australian (or registered to trade in Australia) remain in place?

Yes. It improves domain name availability for Australian registrants and I feel this outweighs an advantages in removing the restriction.

1B QUESTIONS

a. Should informal clubs and groups be allowed to register within org.au?

Unsure.

b. Should informal clubs and groups be allowed to register within com.au and net.au (ie. relax the eligibility criteria for com.au and net.au)?

Eligibility criteria should not change for com.au due to the strong consumer association of com.au with commercial organisations. It could be reviewed if net.au should be opened up to be a open for all extension.

c. How should the policy rules address illegitimate registrations, such as the use of org.au domain names for commercial purposes?

No comment.

1C QUESTIONS

a. Are current enforcement mechanisms in the .au domain space adequate and effective?

No comment.

b. If not, how could they be improved?

No comment.

1D QUESTIONS

a. Should the fixed 2 year domain name licence period be changed?

Yes (if it can be implemented without excessive cost / increasing domain prices). Originally I would have also thought 3, 5 or 10 years would be great but as another submission validly points out domains could be tied up with failed ventures / businesses or businesses that have effectively stopped trading but have not officially been wound up.

b. If so, what other domain name licence periods should be made available?

1 or 2 years should be allowed on an optional basis by registrars (i.e. if some registrars feel it is too difficult / costly for them to implement they should not be forced to). I think registrars that offer 1 year registrations would find considerable demand as so many accounts held by small businesses are paid annually.

1E QUESTIONS

a. Should a registrant be allowed to lease their domain name to another entity?

Yes.

b. If so, under what circumstances?

As long as the lessee meets auDA requirements and the domain owner continues to meet auDA requirements.

1F QUESTIONS

a. Should single character domain names (a-z, 0-9) be permitted in the .au domain?

Yes.

b. If so, what requirements should a registrant have to meet to be eligible to register a single character domain name?

No special requirements i.e. same as [.com.au](#) or [.net.au](#). It would be nice to see auDA auction the domains and donate some proceeds to charity and use the remainder to help ensure future policy changes / compliance improvements do not result in increased fees or to actively implement improvements to [.au](#) to reduce registration costs making them more affordable for more Australians.

1G QUESTIONS

a. Should individuals be able to register domain names that relate to a personal hobby or interest?

Yes

b. If so, how should the eligibility criteria be changed to accommodate this type of domain name?

It could be considered to allow non-commercial entities to register [.net.au](#) domains. [.net.au](#) simply does not seem to have the same strong consumer association with businesses that [.com.au](#) has. [.net.au](#) is quite a versatile extension (if it was opened up most people would just associate [.net](#) with **Internet** so it seems like quite a good choice for mixed business and personal registrations). It should be considered that a percentage of sites that are initially developed for personal hobby or interest could in fact sooner or later turn into a thriving business. There should be some basic restrictions however such as not allowing a personal registration of a domain name that matches an existing business name, company name or trademark.

Or a new extension could be created that does not sound so daft as [id.au](#). I think *public* ([pub.au](#)) sounds good. Now that would have a nice Australian-ness about it :-)

1H QUESTIONS

a. Should .au be opened up to direct registrations?

No. Obviously [.au](#) could be successful but at what expense? It would be at the expense of [.com.au](#) and [.net.au](#) and would lead to large costs for business. As a small business owner if direct registrations were allowed I would:

- feel compelled to register [.au](#) domains
- feel compelled to continue to maintain [.com.au](#) and / or [.net.au](#) registrations (it does not seem a realistic option to replace [.com.au](#) & [.net.au](#) with [.au](#) due to the different registrants under [.com.au](#) & [.net.au](#) issue) and have to pay our IT providers to ensure email addresses and websites re-direct and work under all extensions.
- if [.au](#) became more popular than [.com.au](#) I would feel compelled to re-brand with all the associated costs or email address changes / redirects, web-site changes, logo changes, business card changes. I have a number of trading names so the expense would be significant. On a national basis the expense to small / medium business would be massive.

"The pros and cons of direct registrations were thoroughly canvassed by the 2007 Panel, and are reproduced at Attachment A." auDA. The disadvantages of opening direct registrations are reasonably well stated in Attachment A but I do feel that most underestimate what the ultimate cost to Australian businesses would be in defensive registrations, disputes and associated costs of running with [.au](#) while maintaining [.com.au](#) / [.net.au](#). If auDA were going to open up direct registrations an independent review of costs and impact to business should be carried out and any advantages of [.au](#) re-evaluated against this.

The auDA discussion paper mentions that a number of other ccTLDs (auDA lists Austria (.at), China (.cn), Japan (.jp), Korea (.kr), Singapore (.sg)) have made the migration to direct registrations successfully however it fails to mention the existing number of registrants at time of change . I think it is very important to consider the number of existing registrants and maturity of those ccTLDs at the time of migration:

China (.cn) - 2003 <http://www.cnnic.net.cn/html/Dir/2003/12/13/2020.htm>

When direct registrations under [.cn](#) were allowed back in 2003 there were only something like 187,000 registrations in total under [.cn](#)

Korea (.kr) - 2006/2007

Japan (.jp) - 2001 <http://jprs.co.jp/en/pdf/registry-report-200407-e.pdf>

In the case of competing registrations they appear to have been settled by a draw as opposed to auction.

Singapore (.sg) - 2004 <http://books.google.com.au/books?id=XQPamDwY1aIC&pg=PA274&lpg=PA274>

Austria (.at) - Unsure.

Canada (.ca) - 2000/2001 <http://www.cira.ca/cira-history>

At the time I understand there were somewhere around 100,000 [.ca](#) domain registrations.

Direct registrations were opened up at the time that Cira took over management of [.ca](#) from the previous voluntary organisation.

Conclusions on direct registrations.

I fear risk of damage to [.au](#) if direct registrations are opened. The possibility of 3 different commercial registrants with the same name in [.com.au](#), [.net.au](#) and [.au](#) is of concern and surely a recipe for consumer confusion.

Opening up [.au](#) to just some 'special' organisations sounds problematic.

b. If so, what requirements should a registrant have to meet to be eligible to register a [.au](#) domain name?

No comment.

2 QUESTION

a. Do you have any comments about the contents of the Reserved List, and/or the operation of the Reserved List Policy?

No comment.

3 QUESTIONS

a. What do you understand by the term "domain monetisation"?

Purchase of domain to primarily display links for ad revenue or with purpose to re-sell domain for profit.

b. Should domain monetisation continue to be subject to specific regulation?

Given the mature stage of the [.au](#) ccTLD I don't see a lot of benefit in maintaining this specific regulation. It does not seem to cause consumer confusion. If monetised sites or the model in general provides no value to consumers they will not make any money and will soon enough lapse. Those sort of sites do not seem to index well in Google etc. anyway.

c. If so, how could the Domain Monetisation Policy be made more workable?

n/a

d. If not, would the general Policy Rules offer sufficient safeguards to deal with bad faith registrations by domainers?

Aren't existing safeguards adequate?

e. Should domain monetisation be permitted in the non-commercial 2LDs ([asn.au](#), [id.au](#) and [org.au](#))?

No, this would likely cause some consumer confusion.

4 QUESTIONS

a. Should the restriction on prohibited misspellings remain in place?

Anything that prevents defensive registrations is desirable so I would prefer it is kept in place however it sounds like the policy needs some review based on other submissions.

b. If so, what type of names should be protected?

No comment.

c. How should a prohibition on misspellings be enforced?

No comment.

**THE PANEL WELCOMES ANY OTHER COMMENTS OR SUGGESTIONS
IN RELATION TO THE POLICY ISSUES UNDER REVIEW.**

I have some comments on the NPP 2010 process:

- It is disappointing that the NPP meetings to date do not appear to have reviewed and indicated initial position of the panel on direct registrations under .au. (this appears to be one of the largest impact issue under review) and will not happen until February after these public submissions have closed. I have found the NPP 2010 meeting notes useful regarding other issues under review.
- While it sounds great that using SurveyMonkey has resulted in a larger than normal number of responses it appears that these responses are not being published? Will they be published in full after the submission close date?
- There appears to be poor awareness of NPP 2010 among small / medium businesses (who must surely represent the bulk of [.au](#) registrants) outside of the domain / hosting industry. I do not see why it is not possible for all [.au](#) registrants to have received a notice regarding NPP 2010. Could NPP 2010 / auDA have done more to raise general awareness of the review? How well does auDA promote its maillist to new registrants and does it really need to be opt-in? One of our clients last had a welcome email from auDA in 2005 despite registering a number of domains since then.