

Dear Jo

I have been attempting to register a name in the .com.au domain but have had the response, place names are not registrable.

My name is David Appleby and I would like to register "appleby.com.au".

I carried out some research on this site to find that it is a "locality", as described by the New South Wales Dept of Land, near Tamworth and shares the same postcode.

Further investigation showed it was only gazetted in 1995. Previously, the area had a railway station known as Appleby Railway Station, Gazetted in 1970, and before that Appleby Siding listed by the same dept as an unofficial name.

I would like to add a submission regarding the registration of place names, which, to my knowledge, were barred after places such as Sydney and Melbourne Names were registered in 1995. The reasons were that these domain names "owners" could misrepresent these places.

I have already taken steps to attempt registration by asking Parry Shire Council permission to use the name. My letter poses a motion to the council, of duly elected members of the community, allowing me use of this. I accompanied the letter with a Statutory Declaration which says I will not misrepresent the locality of Appleby and I will not make any reference to this locality unless requested by Parry Shire Council. I have placed the onus upon myself legally to uphold these statements.

I believe this locality to have a very small population from the description obtained from the Council.

As you can see by my efforts, I am genuine in the request to register this. The hard and fast rule of "no place names" seems an easy way to avoid problems.

A few steps could be taken to ensure there are minimal non genuine applications.

1. A request to the appropriate council of duly elected members should be accompanied with statutory declaration or the like placing the onus on the applicant not to misrepresent the name. The onus would be on the council in question to notify residents and take submissions of objections.
2. After a period as specified by the council for submissions of objection lapses, the councillors then ratify the use of the name to the appropriate person.
3. The applicant should have the right to commence the registration process and if refused, nobody should ever be allowed to use that name and it be blocked by the council refusing it.
4. Further the applicant should only be able to register in the cases of .com and .net .au if their business has been in operation for a certain period of time. (Stopping the use of the business name registration. Short term)

I am not a lawyer but there has to be a simple way around this over protective area.

The effort required to register would then limit the number of names that would be registered.

Yours sincerely

David Appleby

Received 29/10/00

I would also like to add the following information to my submission.

The town name "Appleby" NSW is supposed to have been named after the similar in the UK "Appleby" I do not know what the populations of the two are but I would lay odds that the Uks population would be at least one thousand fold of that of its NSW counterpart.

Hence appleby.co.uk <http://www.nic.uk/cgi-bin/whois.cgi?query=appleby.co.uk> in much the same way, I wish to register mine.

I understand the ramifications of "place name registrations" for large towns / cities but I feel the we have been carried away with the policy. I also feel we have "shut the gate after the horse has bolted" see Web wombat's sites sydney, melbourne, adelaide and brisbane.com.au which are directly aimed at the cities themselves.

David