



***CHANGES TO DOMAIN NAME ELIGIBILITY AND ALLOCATION POLICIES
IN .au SECOND LEVEL DOMAINS (2LDs)***

auDA Name Policy Advisory Panel's Second Public Consultation Report

Submission Prepared by [One City – One Site Working Party](#)

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Introduction

The **One City - One Site Working Party** was formed in November 2000 in response to community concern over possible commercial misuse of geographical names as second level domains (2LDs). The central concern being the potential to misrepresent the community and its town, city or suburb to whom that name belongs.

The Working Party has devised a specific 2LD system for the use geographic names that will benefit communities. We intend on formally submitting this model when auDA holds it's next public consultation process to determine what new 2LDs should be and how they should be managed.

(A draft submission of the Model was presented to members of the auDA Name Advisory Panel on the 31st January 2001.)

auDA Name Policy Review Panel Second Public Consultation Report

[One City – One Site](#) Commentary

The **One City – One Site** Working Party would like to make specific comment in relation to sections four and five of the Name Policy Advisory Panel's second public consultation report.

Section Four - DOMAIN NAME ALLOCATION POLICY

auDA's Recommendation 4.3:

4.3.1 Until an appropriate licence allocation method has been devised, the licensing of generic domain names should be prohibited and following 'reserved list' approach should be adopted:

- a. a definition of the term 'generic' will be developed;**
- b. domain names that have to date been rejected by the current registrars for being generic will be placed on a reserved list;**
- c. new applications for domain names that may be considered generic will be referred to auDA;**
- d. if the domain name is determined by auDA to be generic then it will be added to the reserved list; and**
- e. 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.

4.3.2 Until an appropriate licence allocation method has been devised, the licensing of geographic domain names should be prohibited, using the same reserved list approach outlined in 4.3.1 (substituting 'geographic' for 'generic').

4.3.3 The licensing of objectionable domain names should be prohibited, using the same reserved list approach outlined in 5.3.1 (substituting 'objectionable' for 'generic').

The Working Party agrees with Recommendation 4. That generic, geographic and objectionable names/words should remain inaccessible to people wishing to license a domain name under the current regime.

The Working Party takes particular interest in the handling of geographic names and believes that, regardless of trademark issues, the community residing in any geographical area is the true owner/custodian of the area and its name.

Geographical Domain Names should not be licensed to individuals or individual businesses under any 2LD. Those entities are able to gain unfair competitive advantage and/or profits through the use of a geographical name.

The licensed use of geographical names to individuals and business entities also allows for the community/town/city to be misrepresented and leaves the community's reputation open to abuse. The community, through its LGA, should be the sole custodian of its Geographical Domain Name/Address.

The Working Party suggests that auDA consider reviewing the 'Grandfather Clause'¹ designed to protect entities that have registered geographical or generic 2LDs prior to the last Name Policy Review. Those entities have had continued use of geographical 2LDs under this clause.

It is the Working Party's suggestion that auDA review the clause to establish whether continued use is justifiable or whether those entities should surrender the 2LDs and establish new ones that are more appropriate to their commercial or personal interests.

The Working Party agree with the Panel's commentary on recommendation 4.3.2, that geographic domain names are potentially valuable assets to the community, particularly for rural and regional areas. While such valuable assets need to be protected against commercial misuse, they also need to be developed for community benefit.

We are encouraged by auDA's decision to extent the Panel's Terms of Reference to include a third public consultation to discuss the possibility of a

¹ Established by Melbourne IT after the last review of domain name policy

limited number of new 2LDs. We are particularly interested in a new 2LD for community use of geographic names.

The Working Party encourages the auDA Panel to ensure that geographic names remain protected against possible commercial exploitation both in existing 2LDs and when considering new 2LDs.

Therefore, until further investigation, the Working Party agrees with the recommendation that current restrictions apply to generic, geographic and objectionable names, on the basis that there will be a full public consultation process on any new licence allocation method.

Section 5. INTRODUCTION OF NEW SECOND LEVEL DOMAINS IN .AU

auDA's Recommendation 5.1:

5.1.1 A limited number of new 2LDs should be introduced in the .au domain space.

5.1.2 The Name Policy Advisory Panel will undertake a separate public consultation process to determine what the new 2LDs should be, and how they should be managed.

The Working Party support's recommendation five for a separate public consultation process on new 2LDs. The Working Party is particularly interested in the proposal of a new 2LD for Australian geographic names.

The Working Party will be submitting a comprehensive submission during this consultation period outlining the community based model designed by the Working Party, (a draft of which was presented to members of the auDA Panel on 31st January 2001).

Respectfully submitted,

One Site – One Site Working Party

Membership of the One City – One Site Working Party

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