

New Second Level Domains in the Australian DNS

**Response by Momentous Australia to
auDA Name Policy Advisory Panel Public
Consultation Paper of May 2001**

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Momentous Australia commends the Name Policy Advisory Panel for its work regarding one of the more contentious areas of domain administration, in particular its effort reflect suggestions from individuals and organisation.

The following comments reflect the earlier submission regarding the Panel's final report. They also reflect commitment to a domain regime that meets user needs through world best practice delivery of services in a transparent regulatory framework. auDA should underpin the development of a vigorous and innovative internet services sector rather than being driven by "conceptual diversity" *per se*.

auDA objectives

The preceding submission endorsed the removal of restrictions on geographic identifiers and generic names. That action is consistent with the expectations of business and the wider community. It is also consistent with international best practice, reflected for example in the World Intellectual Property Organization's interim report regarding *The Recognition of Rights & the Use of Names in the Internet Domain Name System*. auDA should aim for simplicity rather than complexity and uncertainty. It should aspire to best practice, rather than seeking to institute an idiosyncratic regime of limited functionality.

auDA will be judged by whether it

- satisfies fundamental needs for high quality low cost services,
- engenders community commitment to the domain administration regime and
- encourages a vibrant internet services sector as a tool for business connectivity.

It should not measure success in terms of the number of 'stovepipes' created or elaboration of the domain space.

Is there a need for additional 2LDs?

The Panel's acknowledgment of suggestions by individuals and organisations for additional 2LDs is welcomed. However, there has been no demonstration of a substantive need for extra 2LDs.

It is unclear from the Panel's documentation that there are systemic problems with existing 2LDs in the .au domain space. In canvassing a range of proposals the Panel has not identified particular needs that have not been satisfied and thus require new 2LDs.

It has similarly not identified tangible support for 2LDs that 'parallel' the new gTLDs. In considering diversity it has underestimated confusion and, as importantly, overlooked commercial imperatives.

Overall, the suggestions canvassed in the Panel's May consultation paper are inconsistent with auDA's direction and the Panel's earlier recommendations. All of the 2LDs in the May paper must be judged in terms of whether they address a substantive need and do not introduce new problems. With the exception of the 'open slather' item, none of the ideas canvassed in the paper meet those tests. In the absence of a market study auDA should be cautious in considering ideas that have an anecdotal basis.

Specific Concerns

The viability of a **personal** 2LD in conjunction with the .name TLD is uncertain. Although detailed statistics are unavailable, it is clear that individual Australians are choosing overseas TLDs, including .net, .com, .org and .tv. That choice reflects credibility and ease of acquisition. Others are using free services, such as Tripod, or hosting + email services from ISPs. Rather than quarantining local names in a 2LD auDA should open up the overall .au space.

Since there are org, asn and net 2LDs the need for an **informal associations** 2LD is questionable. We should ask whether there is significant demand for 'tribute' sites and whether any unmet demand would be better addressed by improving the delivery of services in relation to the existing 2LDs.

'**Open slather**' is likely to be more attractive, although it is a 'claytons' version of opening up the ccTLD. The conclusion that it would significantly "ease the pressure on existing 2LDs" is dubious: commercial realities mean that many business and other entities will seek all major representations of their names in a process of defensive registration.

The Panel's final report questioned the rationale for **geographic** and **gateway** 2LDs, in line with the WIPO regarding *Recognition of Rights & the Use of Names* interim report. Community interests are already represented through access to the gov, org, asn and com 2LDs. Some bodies are additionally using TLDs, for example eLaunceston.com. In reviewing the proposal auDA should be convinced that any advantages from adding an additional 2LD are not offset by further complexity and confusion. Simplification of the domain regime will facilitate automated processing of registrations, with lower costs, greater consistency and quicker turnaround. It is unclear whether a geographic 2LD that seeks to ensure "names are available to be used by and/or on behalf of the relevant community" will restrict names to government bodies. If not, disputes appear highly likely. Is the 2LD to be restricted to each chamber of commerce?

The suggested gateway 2LDs - on an industry, trade or service basis (for example 'plumber.au') - conflict with ICANN's rollout of new TLDs such as .biz. There seems little reason to create parallel 2LDs. It is not appropriate for

auDA to establish a categorisation and administrative machinery that duplicates commercial portals and directories such as Yahoo. Comparable countries have headed away from the proliferation of 2LDs and towards a simple system. That is consistent with comments regarding the Competition Panel report: auDA should be encouraging competition in the delivery of services, not in the creation of stovepipes.

Benefits of the suggested **commercial** 2LD, parallel with the .com 2LD and the new TLDs, are unclear. An additional 'com' 2LD would increase confusion and appears unlikely to increase the real availability of names, since businesses will engage in defensive registration.

Any consideration of the proposed **telephone** 2LD must be informed by developments within the Australia telecommunications industry and the work of the Internet Engineering Task Force. Trials of initiatives such as Enum are currently underway. Adoption by auDA of an independent standard that does not have significant industry or international support would potentially damage the organisation's credibility. It requires close consultation with government agencies such as the Australian Communications Authority and with the range of industry bodies.

Momentous Australia

Momentous Australia is owned by an Ottawa-based internet services group that operates in Canada and intends to participate in the Australian market.

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