



Policy Review Panel  
c/o .au Domain Administration Ltd  
PO Box 18315  
MELBOURNE VIC 3001

25 July 2019

Dear auDA

Thank you for the opportunity to comment on the proposed *Updates to the reserved names list*<sup>1</sup>.

The Digital Transformation Agency (DTA), as the registrar of the gov.au namespace, has previously submitted responses to consultation requests on .au Direct Registration Implementation, and we are encouraged to see that our proposal for new Second Level Domains (2LDs) is being considered.

However, given the extremely high level of similarity and potential for confusion between 'forexample.gov.au' and 'forexamplegov.au' or 'forexamplegovt.au' domain names, we are concerned that the new risks to the authority and integrity of both the .au and .gov.au namespaces introduced by direct registration have not yet been sufficiently mitigated.

### Preventing the registration of deceptively similar domain names

We note that under the auDA Licencing Rules<sup>2</sup>, the registration of 'deceptively-similar domain names' is not permitted:

#### 2.5.2

A Person must not apply to register a name which is deceptively similar to a namespace in the .au ccTLD.

#### 2.5.3

A domain name is deceptively similar to a namespace if it so nearly resembles that namespace that it is likely to deceive or cause confusion to users of the Internet.

*NOTE: For example, XYZgov.au is deceptively similar to the name of the .gov.au namespace.*

We concur with the definition supplied in 2.5.3, welcome the intention to avoid deception and appreciate the inclusion of a gov.au-specific example.

<sup>1</sup> <https://www.ada.org.au/assets/Uploads/auDA-Reserved-Names-List-Update-20190703.pdf>

<sup>2</sup> <https://www.ada.org.au/assets/Uploads/auDA-Licensing-Rules-20190618.pdf>

However, whilst the Licensing Rules indicate that ‘a person must not apply...’, no automated prevention or revocation mechanisms are proposed.

#### 2.5.4

A name is deceptively similar to a namespace where the name omits or repeats a letter contained in the name of a second level namespace in the .au ccTLD.

*NOTE: For example: comm.au is deceptively similar to the name of the com.au namespace and co.au is also deceptively similar to com.au*

We request confirmation that the wording in 2.5.3-4 is also intended to cover a scenario that would prevent a namespace from using the ‘govt’ suffix. This abbreviation is in common international use, is implemented by other ccTLDs (e.g. ‘.govt.nz’ is reserved by the New Zealand Government), and ‘atogovt.au’ is an example of a deceptively similar name not obviously covered by existing rules.

#### Risks of allowing gov and govt suffixes – an example

Under the auDA Domain Administration Licensing Rules (including the June 2019 proposal above), ‘servicesgov.au’ or ‘servicesgovt.au’ may technically be registered by an entity or individual with malicious intent.

Once active, this deceptively similar domain need only be regarded by the registry as valid for a single hour in a single day for **significant damage to the public interest** (proper administration of government, consumer protection, economic wellbeing, prevention and detection of crime and fraud) to occur.

This potential for damage is further amplified if the date of registration coincides with significant events (e.g. census night, election days, budget night, interest rate announcements, payment changes, tax return deadlines, national emergencies, etc.). The resulting loss of community trust, placed in the secure delivery of official services via gov.au domains, would require significant investment to regain.

We believe that the DTA’s ongoing provision of a list of registered .gov.au ‘domains of concern’ for auDA’s inclusion in a \*gov.au reserved names list represents a sub-optimal solution to this problem. When compared to the ‘exclude by default’ alternative proposed below, an ad-hoc solution creates an unnecessarily high administrative burden for auDA, DTA, registrars and potential .au registrants, and an **unacceptable risk to the public interest**.

#### Active Prevention – exclude by default

While the example above describes a single gov.au domain (and several of its variants), we believe that a scalable implementation, capable of preventing future similar scenarios, is worth investigating in more detail with .au registrars and the .au registry provider, as part of the implementation of direct registration.

In order to mitigate these risks, we believe that the **active, ongoing prevention of registrations for .au domains with ‘gov’ or ‘govt’ suffixes** would be consistent with the public interest test described in section 2.17. This restriction could:

1. be noted in the Licensing Rules
2. be technically enforced via automated blocking at the Registry
3. allow for exemptions on request (subject to an auDA review process).

Section 2.6.7 or Section 2.5 of the Licensing Rules could also be updated to describe this restriction.

The DTA proposal accepted by the auDA Board in June 2019 described an intent to reserve:

“All domain names at the second level of .au that match a name in gov.au in the form gov.au.”

We welcome this addition to the reserved names list, and seek confirmation that this approach also reserves:

1. **gov.au sub-zones** (for example, qld.gov.au reserves qldgov.au).
2. **concatenated forms of fourth level gov.au domains** registered by states and territories (for example, service.nsw.gov.au reserves servicensw.gov.au)
4. any gov.au domains **registered after the cut-off date** (for example, services.gov.au reserves servicesgov.au)
3. **domains with a ‘govt’ suffix** (for example, qldgovt.au, servicenswgovt.au and servicesgovt.au are also reserved)

### Reserved names for positions and entities specifically related to government

We may need to add the names of high-profile government-related entities or positions reserved names list in the future. These entity names may not yet be described in legislation or have registered trademarks, or they may use an acronym-based version of their name in the .gov.au namespace (and, therefore, are ineligible for Priority Status).

Unauthorised use of these domains risks national embarrassment and/or exposing the public to fraud. Examples of domains of concern include, but are not limited to:

- primeminister.au
- governorgeneral.au
- australiantaxoffice.au.

These reserved names would not necessarily be proposed as potential future second level domains.

We welcome the publication of the reserved names list, and request that auDA detail the processes for:

1. proposing additional names to the list
2. removing names from the list
3. challenging the eligibility of registrants’ claims on domains like those described above.

### Reserved names for future 2LDs

Under the Australian system of government there are several institutions that are either separate to, or operate at an arms-length from, executive government. These institutions often have state- and territory-level equivalents. The proposed Licencing Rules indicate:

2.6.4

.au Domain Administration may reserve names:

...

(2) for future use by the administrator of the .au ccTLD for operational purposes or as second level domains.

We are seeking the opportunity to contribute to discussions regarding the reservation of future 2LDs. We are also prepared to facilitate input from relevant gov.au registrants and to engage in any resulting policy or technical consultation required for implementation.

Our previous submissions have noted the following domains for further consideration by auDA as 2LDs. This list is not intended to be exhaustive:

- nationalpark.au/nationalparks.au
- archive.au/archives.au
- parliament.au/parl.au
- election.au/elections.au
- mil.au/military.au
- library.au/libraries.au
- court.au/courts.au
- highcourt.au
- police.au
- minister.au
- governor.au
- royalcommission.au

### Summary

We request auDA act on the following:

1. Take all reasonable steps to prevent illegitimate registration of .au domains with 'gov' and 'govt' suffixes
2. Detail the processes for maintaining the reserved names list
3. Continue to consult with the community to identify new 2LDs for reservation prior to the commencement of direct registration
4. Continue to engage with the community regarding the use of new 2LDs

Please do not hesitate to contact me if you have any queries in relation to this submission.

Yours sincerely



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