
From: Alex Blake <alexblake31@yahoo.com.au>
Sent: Saturday, 3 March 2018 1:12 PM
To: auDA Policy Review
Subject: Submission on January 2018 Issues Paper

Attention Policy Review Panel

Overview

I can say this no other way, but your lack of consultation with SME's (Small Business) undermines the validity of any recommendations you the PRP may ultimately make.

The same goes for not appointing a "Peak Body Representative" to the PRP. That is simply ludicrous. That's like wanting to create a new suburb on the outskirts of Melbourne and failing to consult the Council.

Questions

.au Structure

1. Should the .au Domain namespace be a 'general purpose' domain for all Australians allowing use for any purpose?

Confusing question. To me, the .au domain namespace is what we currently exist in. There should be less red-tape all round for the whole namespace.

2. Should the net.au namespace be closed to new registrations? If so, should existing net.au registrants be permitted to continue to renew their domain name indefinitely?

Yes. Demand has declined significantly. The only spike in registrations was when there was a \$1 promotion. 2 years later the majority of these were deleted.

3. What should happen to the asn.au namespace? Should it be closed to new registrations or retained as a dedicated namespace for associations?

No opinion.

4. Should the State and Territory namespaces be used for other purposes? If yes, why and what are the purposes for which domain names should be registered under these namespaces?

No opinion.

Reserved Names

5. Should auDA continue to maintain a public reserved list? Should the public reserved list be published? What process or steps should auDA take before deleting a restricted or prohibited name?

Who decides what should be on this list? Is there procedural fairness being demonstrated should an existing registrant be affected?

6. Should auDA be able to reserve names in the public interest? How should the public interest be defined? What names should be reserved in the .au domain namespace? Should the public interest test replace the Prohibition on Misspellings Policy?

How long is a piece of string? Cut the red tape. Mechanisms exist for redress if required.

7. Should the names identified in the discussion paper be reserved as future 2LD namespaces? Are there other names that should be reserved for use as future 2LD namespaces and why?

No. Leave that to the next Names Panel to decide.

8. Should there be a requirement for auDA to publish a list of names that are reserved for use by the registry and names that pose a risk to the operational stability and utility of the .au domain? Should there be any exceptions to the publication of names?

Yes. But surely this should be determined by a working group or panel first? Registrants need to be consulted.

Eligibility and allocation rules

9. How should the Australian presence requirements be defined? Should trademark applicants and registrants only be allowed to register a domain name that is an exact match to their Australian trademark application or registration when relying on the trademark application or registration to establish an Australian connection?

a) Citizenship or residency. b) Right to do business in Australia as is already covered in auDA eligibility requirements. How can you seriously look at curtailing rights under existing trademark eligibility? Imagine the draconian effect that would have.

10. What eligibility and allocation rules should apply to the .au domain namespace (direct registration) and the open 2LD namespaces, and why? Should the close and substantial connection rule be retained and why? Should allocation criteria be removed, and the focus be on registrant eligibility? Should domain monetisation continue to be permitted in the com.au and net.au 2LD and at the second level? How should domain monetisers interests be balanced against the needs of the broader Australian Internet Community?

Cut the red tape. Cut the red tape. Cut the red tape. Just be normal like other domain extensions around the world.

If the nonsensical domain monetisation policy is not going to be got rid of, then you have no mandate to even ask the question if it should be permitted to continue. Read the 2015 Names Panel Report again (page 8):

"This view extends to the often contentious issue of domain monetisation, to which the Panel gave special consideration. Ultimately, it was agreed that domain monetisation should be allowed in direct registrations, on the grounds that is already allowed in com.au and net.au and it would be too difficult to enforce a complete ban."

11. Should internationalised domain names be trialled at the second level, and under what conditions?

No opinion.

Licence conditions

12. Should a registrant be able to sublease the domain name to an unrelated party? If yes, in what circumstances should this be permitted?

Cut the red tape. Free market principles. Provided the unrelated party complies with auDA policies, then what's the problem?

13. Where a domain name licence is transferred between registrants, should the transferee receive the benefit of the remainder of the licence period?

Of course. Just be normal like other domain extensions around the world. Why is there even a fee to transfer to another registrant?

14. Should auDA be given the power to suspend a domain name licence? When should auDA suspend rather than cancel a domain name licence? What should be the maximum suspension period before a domain name licence is cancelled?

For scam registrations (UBU's), absolutely yes. Must be checks and balances, and rights of appeal for legitimate registrants. Complaints and complainants details should be made available to registrant.

15. For what purposes should auDA be allowed to collect, use and disclose registrant data?

Collect and use for communication purposes. Disclosure only for legal reasons.

16. Are there any concerns with the current level of information included in the public WHOIS service? Should the technical contact field be utilised for agent and lessee details?

Why is "Privacy" not offered as an option (like some other domain extensions around the world)? No real concerns otherwise.

Sincerely,

Alex Blake