

Policy Review Panel
c/o .au Domain Administration Ltd
Email: policy.review@auda.org.au

Dear John (Panel Chair) and other 2018 Policy Review Panel members

Thank you for the opportunity to lodge a submission on the January 2018 Registrant Policy:
Issues Paper

My responses to Questions 1-16 from the paper and other comments are as follows:

.au Structure

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

I would agree if, by 'general purpose' its implied to mean 'business and/or personal' rather than use by Associations, Organisations and/or Educational bodies all of whom have their own dedicated domain extensions - .AU as a direct registration should primarily be used for commercial business purposes as it is mostly recognised for in its use of the popular .com.au extension.

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?

I have no interest in this space and so no comment.

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

I'm sure that the asn.au namespace purpose was always just to be for associations anyway and therefore if it is well utilised by those bodies, it should remain.

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?

I have no interest in this space and so no comment.

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?

I feel it makes sense to continue with a public reserved list and yes it should be published.

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?

The Prohibition on Misspellings Policy has been working well enough. Allowing auDA to reserve names in the public interest may only cause conflict, especially if those names are commercially sound, business viable, not of a prohibitive nature and can be utilised by others.

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 comment

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?

No comment

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?

All registrants should either live in or have their companies/entities registered in Australia. For trademark applicants, the domain name needs to be an exact match of that trademark if it's part of an application to establish an Australian connection.

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?

As per my previous submission on the direct registration consultation process in November 2017, my view then and still is now the same. I don't believe there are any benefits that have been proposed that will even remotely assist the broader community if a new .au extension is to be introduced (see my [previous full submission](https://auda.org.au/assets/Uploads/Jeff-Marr-9-November-2017.pdf) here – link: <https://auda.org.au/assets/Uploads/Jeff-Marr-9-November-2017.pdf>), however as is still my view, if .au was to be implemented, the priority of registration can really only be given to the current equivalent .com.au holder, with .com.au being the most popularly used, most visually recognised (domestically and internationally) and most registered domain extension in Australia (and by some distance on all counts !)

Re: Domain monetisation – Although I don't have a vested interest in this area, I don't believe the domain monetisation policy can be changed or removed, as many people have built their businesses and long term livelihoods on a policy that was previously and clearly approved and then implemented by auDA and its previous Policy panels.

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

No comment

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?

I have no vested interest in this area, however I believe that subleasing provides a genuine service to all involved ie: Registrant, Lessee and End users. It is also a model that works well in other domain extensions around the world.

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

Yes, I think this proposal has merit, but only if it saves on additional fees for both parties.

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?

This is prospectively a reasonable idea, if **1.** The domain name registrant is provided with a clear process to follow by auDA so as to have that suspension lifted within a certain timeframe (rather than just cancelling a domain) and **2.** If the suspension is on a minor breach or misinterpretation of policy, then the maximum time for a registrant to complete the process to lift their suspension should be up to 90 days.

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

When registrants (such as hackers) purposefully act in violation of the overall domain name system and its stability.

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?

No concerns, however it's a good idea to consider technical contact field additions.

FINAL NOTE:

As I have mentioned above and in my previous submission to the Policy Panel, I am clearly not in favour of the introduction of direct registrations via the .au domain name extension for all the reasons provided. I also feel that the broader community (who have not really been made aware of these proposed changes in any substantial numbers), have also not been fairly represented in the entire process, with the Policy Panel selected to make the final decision not having a peak business body representative present on the panel from the very beginning as was the intention and plan when originally forming the Panel.

I feel that without the presence of a Peak Body representative in the crucial decision making process of the Panel, any results derived may not provide a fair indication of all sectors opinions.

Thank you and best regards



Jeff Marr