

“Least Worst” Implementation Method Not Good Enough for Australian Business

I continue to oppose auDA’s decision to introduce the .AU extension. This will create consumer confusion and it will have a negative effect on the brand equity that Australian business has built up under the current system.

The Proposal is a Money Grab by auDA

The “winners” from the direct registrations will be auDA and domain sellers. The “losers” will be Australian businesses. auDA has faced considerable media criticism for “ripping off” Australian consumers¹ and direct registrations are another example of it.

Instead of the PRP attempting to come up with what was described at panel meetings meeting as the least worst system of implementation the panel should advise auDA that they can come up with no fair implementation strategy.

Australian business and consumers should be put before domain industry profits.

The Litigation Lottery

This risk to Australian brands also creates a risk to auDA from legal action initiated by adversely effected business owners. Litigation is likely to come brands who have suffered damage by AUDA selling off to other parties domain names almost identical to their existing domain. For example there is substantial legal risk to auDA in News.au being allocated to a party other than News.com.au or Realestate.au being allocated to a competitor of Realestate.com.au.

Big brands are unlikely to simply stand back and allow auDA to dilute their existing brand equity.

QUESTIONS

- 1. Should the .au Domain namespace be a ‘general purpose’ domain for all Australians allowing use for any purpose?*

.Com.au should be liberalised as there is current market demand by individuals for these domain names. Allowing individuals to register .au names would achieve little as they are unlikely to accept an unpopular “substitute” 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?*

Yes, it should be sunsetted. The extension is perceived as “second rate” and confusing. auDA should not offer these sub standard domain names to Australian business. The shrinkage of this namespace is testament to the fact that over time Australian’s are becoming more educated about the failings of .net.au.

However existing owners should be able to renew .net.au names for as long as they wish. Small business who made an initial naming mistake should not be further burdened by being forced to change. Forcing change (even if along period of time was allowed to make the change) would come at a high cost to those business in terms of transition costs and likely lost business from searching engine ranking changes.

¹ <http://www.theage.com.au/small-business/smallbiz-tech/millions-of-australian-domain-name-owners-ripped-off-20170807-gxqpzs.html>

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

It should be sunsetted like .net.au.

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, I believe there is little market demand for this type of extension.

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?*

The list should be published and those names should be blocked from registration. It shouldn't be up to consumers to know about the reserve list, it should be up to AUDA to block those registrations in the first place.

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?*

This is a slippery slope and AUDA shouldn't be involved in deciding what is in the public interest.

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, we don't need any future extensions, Australia has one clear winner, .com.au.

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?*

They should be published.

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?*

For pending trademarks the domain name should be an exact match of the trademark applied for. If the mark is denied then the eligibility for the domain name should cease.

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?

I have not heard of a country code extension that has attempted to restrict domain monetization. auDA should embrace monetization given PPC advertising is used by a wide number of websites.

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

No this should not be trialed. How would auDA know if the domain name represents and offensive term? What would be the purpose of this type of registration? Would it make sense to have a domain names that are half foreign script and half English?

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

Yes this should be permitted, it is common practice in other tlds.

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

Yes, there is no reason for them to lose that benefit.

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?

No.

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

auDA should use registrant data to properly inform Australian business of the .au proposal.

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?

I have no concerns over current Whois arrangements.

Your sincerely,



Paul Shaw