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Sent: Friday, 2 March 2018 2:51 PM
To: auDA Policy Review
Subject: REGISTRANT POLICY ISSUES PAPER

As a small business owner I am very concerned by what I have been reading about the proposed direct .au registrations and its implementation.

My views on direct registration are summarised below --

- it will cause confusion in the market place including trademark and legal issues.
- the implementation proposals are unfair including cut off dates and a "lottery" system which is an unacceptable way to conduct business.
- It forces registrants to defensively register domains adding costs to small business for no real benefit.
- We still haven't been shown any proof that there is a demand for direct au registrations.

For example, I purchased a .com.au domain name for over 20k just over 1 year ago. I have a trademark and have spent a considerable amount of money building a successful and thriving business. Based on the "cutoff date" of 18th April 2016 I wouldn't have any rights/ opportunity to get the direct .au version of my domain.

This is potentially very damaging to my business and will create confusion in the marketplace as well as legal issues including trademark infringement and passing off claims.

Brett Fenton is on record as saying '...opening up second level registrations as more choice in the marketplace could potentially make their existing .com.au domains less valuable' Have all existing registrants of .com.au domains been advised that their domains may be less valuable ?

AUDA should contact every single registrant of an .au domain name and give them the opportunity to have their say about the introduction of direct registrations including the costs and implications. A PRP roadshow with fewer than 100 attendees is concerning as a lack of scrutiny may allow auDA to introduce these changes without obstruction.

Auda needs to ensure that the decision is truly representational rather than just pushing an agenda that will only benefit the registrars who are going to be selling the domains and the other parties who will benefit financially from its implementation.

RESPONSES TO REGISTRANT POLICY ISSUES PAPER

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

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**

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? **NO OPINION**

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? **NO OPINION**

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 OPINION**

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? **YES** Should there be any exceptions to the publication of names? **NO OPINION**

Eligibility and allocation rules

9. How should the Australian presence requirements be defined? **NO OPINION**

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? **NO**

10. What eligibility and allocation rules should apply to the .au domain namespace (direct registration) and the open 2LD namespaces, and why? **Registration should be open but the .com.au registrant should get first rights to any direct au implementation**

Should the close and substantial connection rule be retained and why? **NO**

Should allocation criteria be removed, and the focus be on registrant eligibility? **NO**

Should domain monetisation continue to be permitted in the com.au and net.au 2LD and at the second level? **YES it has been an acceptable business model that is working properly and functions in ALL OTHER**

domain name spaces

How should domain monetisers interests be balanced against the needs of the broader Australian Internet Community?

Monetisation is just another acceptable business model and it doesn't have an effect on the broader internet community as it is available in all other name spaces.

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? **YES** If yes, in what circumstances should this be permitted? **any circumstances**

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

14. Should auDA be given the power to suspend a domain name licence? Yes When should auDA suspend rather than cancel a domain name licence? criminal activity and fraud What should be the maximum suspension period before a domain name licence is cancelled? **1 month**

15. For what purposes should auDA be allowed to collect, use and disclose registrant data?
NO they shouldn't disclose registrant data

16. Are there any concerns with the current level of information included in the public WHOIS service? **NO**

Should the technical contact field be utilised for agent and lessee details? **YES**

Regards

Vinesh Chora