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Jo Lim
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14 June 2007

Dear Jo,

Submission to the 2007 Names Policy Panel – Review of .au domain name policy

In response to the Australian Domain Name Administrator's ("auDA") 2007 Names Policy Panel Issue Paper, May 2007, Betfair Pty Limited (ACN 110 084 985) ("Betfair Australia") would like to make the submissions contained in this letter relating to auDA's domain name registration policies.

About Betfair

Betfair Australia is a joint venture between The Sporting Exchange Limited (a United Kingdom company) and Publishing and Broadcasting Limited (ACN 009 071 167). Betfair Australia is licensed by the Tasmanian Gaming Commission to operate a betting exchange in Australia.

The Sporting Exchange Limited ("TSEL") is the parent company of Betfair Limited, the world's leading betting exchange. TSEL is the owner of the registered trademark "Betfair" and has provided Betfair Australia with a licence to use the trademark in Australia.

TSEL has a portfolio of 1065 domain names world-wide including betfair.com.au, betfairracing.com.au, betfairsoccer.com.au and betfairmultiples.com.au.

Submission

We note auDA's policy number 2005-01 – *Domain Name Eligibility and Allocation Rules for Open 2LDS*. Schedule C of this policy clearly sets out the eligibility and allocation rules for com.au domain names that registrants and accredited registrars are required to follow. Betfair Australia agrees with these rules however is of the view that stronger regulations and greater enforceability are required against:

1. Registrants who provide false information to enable a 2LDS domain name to be registered in their name; and
2. Accredited Registrars who allow 2LDS domain names to be registered to registrants who are not eligible.

Like many internet operators, Betfair Australia has issues with cyber-squatters. We note that it is one of auDA's policy objectives to preserve the integrity of the .au domain space and minimise the risk of cyber-squatting.

Recently we discovered that the domain name australiabetfair.com.au was registered to a company that had no connection with Betfair. When we queried the Accredited Registrar on how the company was able to register the domain name, we were informed that the company was able to provide adequate information to have the domain name registered. As the registrant has no connection with Betfair Australia, TSEL or any of Betfair's entities and has no rights to any trademark using the term "Betfair" it is clear that this registrant would not have met the eligibility rules set out in Schedule C of the policy. We were required to negotiate a transfer with the registrant to ensure the accredited registrar transferred the domain name to TSEL.


We are of the opinion that if stronger regulations and greater enforceability are introduced against both registrants and accredited registrars for registering domain names when the eligibility rules have not been meant this will result in the instances of cyber-squatting being reduced.

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If you have any queries regarding the content of this letter please don't hesitate to contact me.

Kind regards,

Yours sincerely,



Josh Blanksby
Legal Counsel