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# Submissions to AUDA Review of .au Domain Name Policy Framework

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## 1 About Gilbert + Tobin

Gilbert + Tobin is an Australian law firm which has handled numerous domain name matters in the .au domain for Australian and international clients, including domain name disputes and domain name transfers. The submissions below are based on Gilbert + Tobin's experience of the difficulties typically encountered in such matters by Australian and international brand owners.

## 2 Should .au be opened up to direct registrations?

Gilbert + Tobin agrees with the Draft Recommendations of September 2007 (**Draft Recommendations**) that direct registrations for .au domains should not be made available largely for the reasons set out in 7.9 of the Issues Paper of May 2007 (**Issues Paper**). Far from "opening up" new Internet territory, Gilbert + Tobin's experience is that the release of new such domains often effectively requires brand owners wishing to defend their positions to incur additional registration fees for domain names in the new domain corresponding to their existing .au domains. While procedures that can mitigate the risk to brand owners, such as "sunrise" periods, can be implemented as part of new domain name releases (and certainly should be should AUDA release a .au direct registration in the future), the fact remains that brand owners usually must pay to take advantage of these. One way of addressing this difficulty could be if owners of existing .au domain names were effectively provided with the direct .au registrations free of charge, but such an approach is likely to give rise to further difficulties where multiple entities have registered identical .au domain names in different domains, and a mechanism would be required to provide for the fair allocation of names between competing legitimate rights holders.

Gilbert + Tobin further notes that there would be no benefit to existing owners of .au domain names from the release of a new direct registration .au domain, firstly because they already enjoy the benefits of .au domain name licences, and secondly because consumers would in any event have to be educated to use .au, rather than, for example, .com.au domain names in any case.

Finally, Gilbert + Tobin notes that while there is certainly a trend of releasing direct country-code domain names (such as .us and .asia), brand owners still appear to demonstrate a marked preference for conventional .com and .com.au domains, and as such there is no driving market need for a new direct-registration domain at this stage.

## 3 Changes to the policy rules for .com.au, .net.au and .org.au

Gilbert + Tobin's primary experience with domain names in the .au domain is in relation to .com.au, .net.au and .org.au domain names. Gilbert + Tobin therefore makes no comment in relation to the .asn.au and .id.au domain name spaces, which in any event appear to be relatively infrequently used.

Gilbert + Tobin would at the outset like to observe that the impact of the comparatively high price of .au domain names when compared to gTLDs should not be discounted when considering the continuation of limiting factors on squatting and other abusive conduct in the .au domain. However, Gilbert + Tobin welcomes this opportunity to comment on the policies governing the .au domain.

### 3.1 Submissions to the Draft Recommendations for .au policy changes

The following submissions relate to the recommendations made by AUDA in the draft recommendations.

- (a) *In 2(a) of the Draft Recommendations, AUDA recommended that the licence conditions affecting the above domains remain unchanged, but recommended the addition of a further licence condition allowing for immediate suspension of a domain name at the request of law enforcement bodies.*

Gilbert + Tobin has no objection to provision for the suspension of name registrations on the application of law enforcement bodies provided such applications are backed by a relevant court order.

- (b) *In 2(b) of the Draft Recommendations, AUDA recommended that the eligibility requirements for the above domains remain unchanged.*

Gilbert + Tobin submits that rather than leaving the eligibility requirements unchanged, these criteria should be reviewed for effectiveness in deterring abuse of the .au domain name registration system and in terms of their impact on different user groups. In Gilbert + Tobin's experience, both holder and name eligibility criteria as set out in present .au policy rules are ineffective at preserving the integrity of the .au domain and in particular discriminate against international brand owners. In particular, Gilbert + Tobin's clients have experienced numerous instances where domain name registrations have been secured either through abuse of the holder eligibility rules (for example, fraudulent registration of a business name), or through taking advantage of the very readily satisfied "close and substantial connection" name eligibility criteria.

Gilbert + Tobin notes that a relatively large number of domain name squatters are private individuals who need not satisfy any particular holder eligibility criteria beyond Australian residency. Conversely, a large number of the victims of squatting are international brand owners. The current holder eligibility rules serve to facilitate registration of domain names corresponding to well-known international brands in Australia by individual squatters, while simultaneously making it difficult for the owners of those brands to register .au domains without first going to substantial additional expenses, whether in the form of filing trade mark applications, incorporating local subsidiaries or registering as a foreign trader (as international companies not registered to trade in Australia are not entitled to register business names). In so far as they are successful at preventing squatting, the current eligibility criteria are only successful at preventing squatting by foreign entities, not by local entities, and this does not achieve the desired outcome of maintaining the integrity of the .au system. Gilbert + Tobin further notes that the eligibility criteria are complex and convoluted, and as such are far from in keeping with AUDA's objective of maintaining the useability of the .au domain name space (Issues Paper, at 6.1). In that regard, it would be useful if the explanatory guidelines for registrars for the .au policies were linked to original policy documents so as to be readily accessible in the same place.

Further, the eligibility criteria are inconsistent with Australian trade mark and consumer protection law generally. In particular, international brand owners are not able to rely on reputation of their brands in Australia to establish eligibility to register domain names in the absence of some form of registration of those brands.

It might be suggested that the difficulties which the current eligibility criteria, in particular the current name holder eligibility criteria, pose to non-Australian domain name applicants and in particular international brand owners is not a concern given that we are, after all, discussing the .au domain. However, Gilbert + Tobin submits that the emphasis on the "Australian identity" of the .au domain space (Issues Paper, at 6.1) can still be preserved by recognising the rights that foreign brand owners may have in this marketplace as a result of their use of, and reputation in, brands in Australia. Gilbert + Tobin submits there is an inherent tension in the stated goal of maintenance of an "Australian identity" for the .au domain as all domain names are capable of being used as part of international commerce. Gilbert + Tobin notes that not only are there many overseas traders operating in Australia, but Australia is also a net importer of intellectual property rights, and therefore of brands. Furthermore, Australians have an interest in the use of the .au domain by international brand owners to develop targeted sites for Australian users. The policy of maintaining "Australian identity" is, insofar as it is used to justify the restrictive name holder eligibility requirements, itself partially responsible for the unfortunately common practice of abuse of legitimate brand rights of overseas companies who are then forced to engage in expensive legal action, including through the .auDRP or the Courts.

In view of the above, Gilbert + Tobin submits that the policies for the above domains should be amended so that international brand owners can rely on reputation in Australia to establish holder eligibility without the need for further expensive registrations (which, while difficult to prove, is no more so than the “close and substantial connection” name eligibility criterion), or otherwise reviewed to better account for the interests of international brand owners. This would enable international brand owners to protect their own position in advance of encountering difficulties with squatters, rather than needing to incur significant registration expenses within Australia in order to establish holder eligibility for .au domains, and (assuming the current transfer policy remains in force) facilitate transfer in the event of disputes without the need for further registrations or incorporations to establish eligibility to hold the name post-transfer under the holder eligibility criteria.

In relation to the .org.au domain specifically, Gilbert + Tobin notes that it can be difficult for charitable organisations to register .org.au domains in advance of preparation of supporting documents such as articles of incorporation proving not for profit status. This is an undesirable situation, as charitable organisations are unable to protect their domain name interests, while nevertheless being able to file trade mark applications at this stage. It is submitted that as branding in the charitable sector becomes more competitive, it would be prudent for AUDA to allow Registrars to register domain names for charitable organisations on a prospective basis. In order to avoid abuse of this system, such organisations could be required to demonstrate entitlement via articles of association or similar documents by a point, say, six months from the date of registration.

- (c) *In 2(c) of the Draft Recommendations, AUDA recommended that Registrars be required to check name eligibility details prior to registering a domain name.*

Gilbert + Tobin agrees that this is essential if the eligibility rules are to be maintained, as it is possible that more vigorous enforcement of eligibility rules might prevent spurious registrations. However, as squatters often either register bogus business names (which would appear legitimate if checked by Registrars), or rely on a claim of a “close and substantial connection” with a domain name, which cannot be realistically checked, this is unlikely. This is all the more so as many squatters are individuals with no independently verifiable name holder eligibility criteria to check in any case.

- (d) *In 2(d) of the Draft Recommendations, AUDA recommends that current policy warranty statements regarding eligibility details be reinforced*

Gilbert + Tobin agrees with this recommendation provided a breach of the warranty statement is also grounds for cancellation of the domain name without additional administrative procedures if such details were incorrect along the lines covered by the Complaints (Registrant Eligibility) Policy. We note that that policy allows for holder details to be corrected, and that this offers little comfort to brand owners in the “classic” case of the domain name registrant attempting to conceal their identity using a false name. In cases of a potential dispute, Gilbert + Tobin submits that it would be desirable for further registrant details to be supplied on application to AUDA (as for domain name expiry dates), but notes that the current WHOIS Policy does not provide for this.

- (e) *In 2(e) of the Draft Recommendations, AUDA recommended that 1, 2 and 3 year licences be made available for registration.*

Gilbert + Tobin has no objection to this recommendation, but notes that in the case of gTLDs it is usual to provide up to 5 year registration periods. It is not clear to Gilbert + Tobin that a 3 year registration would offer significant benefits over a 2 year registration, whereas there would be clear benefits to either a 5 or even 10 year registration period, particularly as this would then correspond to the length of protection of trade mark registrations for corresponding brands.

- (f) *In 2(f) of the Draft Recommendation, AUDA has recommended that the “close and substantial connection” name eligibility criterion remain unchanged.*

As discussed above, in Gilbert + Tobin’s experience the “close and substantial connection” criterion is open to abuse by unscrupulous persons such as domain name squatters. Gilbert + Tobin does not believe that a simple warranty or assertion that a domain name is closely and substantially connected to a product or business of the domain name registration is sufficient to prevent the abusive use of registration of domain names, unless failure to comply with that warranty is grounds for cancellation of the name along the lines available for holder eligibility criteria under the Complaints (Registrant Eligibility) Policy. At present, breach of such a warranty appears to be largely irrelevant, except in so far as it might indicate a lack of legitimate interests in a domain name for the purposes of the .auDRP. Gilbert + Tobin submits that serious consideration should be given to creating a policy equivalent to the Complaints (Registrant Eligibility) Policy in order to provide for cancellation in the case of breach of name eligibility criteria in addition to holder eligibility criteria, rather than requiring aggrieved parties to resort to the expensive and time-consuming .auDRP.

Gilbert + Tobin notes that AUDA has issued supplementary policies in relation to typosquatting and monetisation uses of domain names. Gilbert + Tobin applauds AUDA’s work in this regard, but there appears to be no logical basis for providing effectively better remedies in the case of typosquatting than for the more common registration of an exact brand name as a domain name, or indeed in the case of use of a domain name for monetisation as opposed to any other use of a domain name. Gilbert + Tobin notes that in cases other than typosquatting or monetisation, which represent by far the majority of domain name disputes handled by Gilbert + Tobin, aggrieved parties have no choice but to resort to the far more expensive .auDRP. We suggest that consideration be given to extending the typosquatting policy to registrations for exact names and phonetically equivalent names, provided of course that brand owners were prepared for name registrations to be cancelled rather than transferred. This approach should help in reducing the existing load on the .auDRP by ensuring that it was a dispute mechanism in cases where transfer of domain names to the complainant was the desired outcome.

Gilbert + Tobin further notes that the typosquatting policy, which provides for ongoing audit by a user of registered names, and of re-deletion of offending names that have already been deleted if they are re-registered, provides a desirable degree of post-complaint security which should at least be extended to decisions under the .auDRP where names are cancelled rather than transferred to the complainant.

Gilbert + Tobin would not like to see the advances that have been made in the case of typosquatting and monetisation domain names lost, and suggests that AUDA look at applying these improvements more broadly across other common misuse situations.

### 3.2 Sale of Domain Names

We note that other than recommending that the circumstances in which transfer is allowable should be broadened, AUDA has made no recommendations in relation to allowing the sale of domain name registrations generally.

In most cases, the transfer policy will limit domain name transfers to circumstances where the domain name licence is being sold as part of a going concern, where there is an assignment of intellectual property rights including the domain name licence, or where the domain name licence has been transferred in settlement of a dispute. The current policy does not permit transfer of a domain name licence in circumstances where one party wishes to acquire a domain name registered by another other than in the circumstances of a dispute, and where other assets are not being sold.

However, the fact remains that such transfers still occur. It is possible for such transfers to be presented under pretext of the settlement of a dispute or an assignment of other intellectual property rights (such as a common law trade mark) together with a domain name licence. Moreover, it is noted that the present limitations on transfer tend to result in significant added costs, as legal advice is typically required to generate documents to satisfy the limited transfer grounds as the complexity of the transfer requirements generally make it impossible for such a transfer to be attempted without legal advice.

Further, as noted by AUDA in 7.18 of the Issues Paper, it is by no means clear what policy objective is satisfied by not allowing transfers of domain names in broader circumstances, or indeed outright sale on a secondary market. It may well be stated that a domain name is a form of public good (although there are problems with this argument, as discussed below), but the fact remains that if the domain name has already been registered by a third party it is not available to the public in any case. Refusing to allow the transfer or sale may simply result in a name desirable to one party being left unused by another, effectively depriving not only the public at large of the public good but also resulting in the inefficient allocation of a valuable resource.

Assuming that some form of name and holder eligibility criteria are maintained (albeit preferably amended to take greater account of the interests of international brand owners as discussed above), we submit that relaxing the current restrictions on transfers and indeed allowing outright sales of domain names is highly unlikely to give rise to an increase in undesirable behaviour such as domain name squatting.

It is further noted that no other domain of which Gilbert + Tobin is aware has a similar restriction on transfer or assignment. The current policy neglects the common scenario where a .au domain name is sought to be transferred with an equivalent gTLD name, which are freely assignable. Gilbert + Tobin submits that there is a strong argument in favour of harmonising the transfer or sale requirements for the .au domain with those operating in other domains, and in particular those applying to the gTLDs, with a view to enhancing the attractiveness and usability of the .au domain in accordance with AUDA's policies and reflecting the commercial realities of the marketplace.

As for the potential disadvantages to allowing outright sale of domain names as addressed in 7.19 of the Issues Paper, we comment as follows:

(a) *Public good*

It has been claimed that there would be no public benefit from allowing broader transfers or outright sales of domain names. It might be questioned whether a public benefit is even relevant, given that it has never in modern times been assumed that a public benefit is required to justify analogous transfers such as trade mark assignment. Indeed, it is generally assumed that assignments of trade marks are in the public interest because they ensure efficient uses of marks and the availability of services and products to the public. It is self-evidently true that a party prepared to purchase a domain name from another must expect to generate some benefit from the use of the name, and it is from the use of the name, and not the transfer itself, that public benefit can be expected to result. A public benefit could also be expected in terms of facilitation of less bureaucratic domain name transfers, with a resulting lower load on Registrars and presumably lower costs, as well as greater efficiency in the transfer of domain names generally. Finally, the argument that domain names are a public resource like telephone numbers or spectrum frequencies is itself problematic. Unlike telephone numbers or spectrum frequencies, domain names are generally closely linked with trade marks. It has not been suggested in recent decades that assignment of trade mark registrations should be restricted on the basis that they are public goods: indeed, they are explicitly recognised in governing legislation as private property. In view of this association, it may be overly simplistic to draw an analogy between domain names and telephone numbers or spectrum frequencies. IP addresses, of course, are an entirely different matter, and are indeed

similar to spectrum frequencies and phone numbers, but while domain names refer to IP addresses, they are not the same thing.

(b) *Artificial increase in demand for domain names*

It has also been argued that the creation of a secondary market might lead to artificially higher demand for domain names, and that this in turn might have a negative impact on small businesses. Gilbert + Tobin has not observed any such phenomenon in relation to the freely-assignable gTLDs. As noted above, domain names which are offered for sale are already unavailable to the public for use in any event. There is no particular requirement for small businesses to use a particular domain name if they can't afford to buy their desired name off another registrant, and in any case they would not be in a worse position in the case of a secondary market than they would be in the present position, where they are unable to purchase the name at all, and where the domain name registration may simply be allowed to languish rather than being efficiently used by another willing party. Finally, Gilbert + Tobin believes that it is important to note that in real terms the "sale price" of a domain name licence is limited by two factors. In the first instance, where a domain name is in use as part of a going concern, and is a significant asset of that business, the price of the business will set the price of the domain name, although in Gilbert + Tobin's experience this kind of transfer or sale scenario is by far the more unlikely. In the second instance, the price of a domain name that is unused or "parked" or used in infringement of another's rights, is effectively limited in real terms by the cost of a .auDRP proceeding. It is for this reason that domain names transferred independently of a dispute would generally attract a settlement figure in the order of \$1,500-10,000. This would only be inflated if the domain name was in fact in use as part of a going concern. There is therefore little risk of an artificial increase in demand for domain names as part of a secondary market, or at least an impact affecting the price of such names.

(c) *Secondary markets encourage squatting and speculation*

The objection to broader transfer or sale provisions on the basis that such provisions might encourage squatting or domain name speculating does not appear to be reflected in the case of gTLDs. In any case, the price of domain names is effectively limited by the two factors previously discussed, so there is little scope for speculation of the kind flagged. Finally, even if a secondary market encouraged speculation, it is still likely that the costs resulting would be lower than the current exposure to legal fees experienced by parties desiring to acquire domain names.

(d) *Transitional costs*

We submit that the objection that the cost of a transitional regime for domain name transfers or sales might be high is unlikely to occur in practice. Transfers of .au domain names have, after all, only recently been permitted at all, and the cost of the transitional regime in that case does not seem to have been prohibitive.

At minimum, Gilbert + Tobin therefore agrees with the proposal in the Draft Recommendations at 7.22 that the current .au policy needs to account for a broader range of transfers. As for the preferred model, Gilbert + Tobin believes that the preferable model would be a private transaction market, which would cover the usual circumstances of domain name transfers, and which would furthermore bring domain names into line with existing procedures for transfers of related assets such as gTLDs and trade marks.

Gilbert + Tobin has no objection to an open secondary market, allowing advertisement of domain names for sale. However, Gilbert + Tobin has noted a correspondence of squatting and advertisement of names for sale in the case of gTLDs where such advertisements are on one view permitted (while nevertheless risking breach of the UDRP in terms of offering the name for sale for more than the incidental costs of registration). Nevertheless, purchase of a domain name in such a transfer model may still be cheaper than legal action to recover a name,

especially given the aforementioned tendency of the price of legal action to cap the transfer price of domain names.

Gilbert + Tobin notes that AUDA is also considering a centralised secondary market. Gilbert + Tobin is not aware of a functioning such model in any other domain space, other than the auction houses run by domain name speculators. Depending upon the technicalities of the model, Gilbert + Tobin is concerned that the model would be unduly complex, and unlikely to sufficiently address the problems of the current transfer model, and in particular the fact that it is too bureaucratic and limited.

Gilbert + Tobin emphasises that any selected transfer or sale model should facilitate the transfer or sale of domain names including in the alternative to a dispute. While it is of course undesirable to encourage the activities of squatters, the fact remains that domain name transfers have over time proven to be the fastest and cheapest means of resolving most disputes, and it would be unwise for any bureaucratic measures to be introduced which would prevent this, especially as such transfers are already allowed under the restrictive current transfer regime.

### 3.3 Additional comments on the .au policy

In addition to the matters outlined above, Gilbert + Tobin believes that the following matters need to be addressed in the .au policy:

#### (a) *Sub-licensing of domain names*

Gilbert + Tobin notes that AUDA has not yet given significant consideration to opening up sub-licensing of domain name registrations along the lines available for gTLDs. For example, it is common for international companies to licence their trade marks for use in Australia, but it is currently not possible for them to lawfully do the same with domain name registrations (even assuming they are able to satisfy the current eligibility criteria). This has led to circumstances where parties seeking to licence a domain name to another will do so informally, for example, by supplying relevant password details to enable the name to be used as the licensee sees fit. In the alternative, the restrictive eligibility criteria applying to international brand owners does occasionally result in those owners permitting local brand licensees to register domain names in their own name, which is itself an undesirable result in that the domain name registry then does not identify the ultimate party responsible for the domain name, and in that any future dispute in relation to the licence may result in the brand licensee using the domain name registration as leverage. Gilbert + Tobin therefore submits that serious consideration should be given to legitimising the sub-licence of .au domain names, particularly given the protection afforded to users of .au domains by the anticipated continuation of the restricted eligibility requirements for holding .au domain names..

#### (b) *Domain name renewals*

Gilbert + Tobin notes that the current Guidelines for Accredited Registrars on the Interpretation of Policy Rules for Open 2LDs of March 2005 (**Eligibility Guidelines**) provide at 11.2 that a Registrar is not to renew a domain name registration if the eligibility details “are no longer current”. At 11.2(b), this is stated to mean that a domain name should not be renewed where “an application for an Australian Registered Trade Mark has not been accepted for registration.” Gilbert + Tobin is concerned that the 11.2(b) provision may lead to serious disadvantages for trade mark owners. It is not uncommon for a trade mark application to take longer than two years to proceed to registration, particularly if the application is opposed by a third party. Given that a trade mark application or registration is currently the only basis on which an international brand owner can secure a .au domain name registration without resort to expensive procedures such as local incorporation or registration as a foreign trader, both of which lead to ongoing reporting obligations as well as the initial start-up expense, the .au policy (and in particular the Eligibility Guidelines) should, we submit, be amended to provide that

renewal of a domain name registration based on a trade mark application should only be refused where the trade mark application has lapsed, not where it has merely “not been accepted for registration”.

(c) *WHOIS data*

We note that AUDA’s WHOIS Policy of November 2006 (**WHOIS Policy**) adopts a restrictive approach to the kinds of registrant information and domain name details that are placed in WHOIS records for the .au domain. We therefore assume that WHOIS data is not within the scope of the current review of the .au policies. However, Gilbert + Tobin would like to take this opportunity to note its objections to the current policy. There is no reason why the personal information of .au domain name registrants should be treated in any different manner than that of gTLDs or indeed trade mark applications or registrations, or company name records. Gilbert + Tobin does not believe there are any serious privacy objections to placing such information on the public register, particularly as any such objections could be dealt with by requiring permission for the disclosure on the public record in the .au domain name licence. Gilbert + Tobin notes that the current regime means that it is very difficult for the details of domain name registrants to be quickly and easily verified, whether in the event of a dispute or otherwise. The current policy of withholding renewal deadlines for domain names from the public record is similarly without justification. Such details are available for gTLDs and for all trade mark registrations. The fact that unscrupulous parties might use the data for false renewal scams is not to the point. That must be regarded as a risk inherent in the system (such scams occur in relation to trade mark registrations as well as domain names), and is only likely to result in damage to those who fail to take due care of their own interests. Gilbert + Tobin notes that it is common to rely on public record renewal data in both potential purchase and potential dispute scenarios, not only in assessing priority of rights but also in assessing whether the best strategy would be to approach the domain name registrant, or simply take the lower cost-approach of waiting to see whether the domain name registration is ultimately allowed to lapse. The latter may be a far more effective means of resolving the matter, particularly given the availability of back-order registration services. It is not an answer to the lack of availability of this information on the public record to state that AUDA will provide the information on request, as AUDA will only do so in circumstances of a potential dispute. Because parties interested in domain names may only wish to acquire the name for themselves without such dispute, AUDA’s current provisions are inadequate. If, however, the WHOIS Policy is not to be reviewed, Gilbert + Tobin submits that the current procedure for accessing renewal deadlines in the event of a potential dispute should be extended to all applicants for this information, regardless of cause. The fact that the request must be lodged through AUDA should be sufficient to avoid any use of the information for renewal scams.

(d) *Listing of business names as owners of domain names*

Many name registrations in the .au domain name space display business name registration details as the registrants of domain names. Business names are regulatory measures only, and are incapable of holding domain name licences, so this is anomalous. In addition, this requires interested parties to undertake further research to obtain the details of the owner of the relevant business name from the State Registries. We note that the current WHOIS Policy does appear to require separate identification of the registrant’s legal identity and the registrant’s eligibility name, but it is unclear whether this policy is going to be “grandfathered” on renewal for older names. We submit that AUDA should ensure that correct owner details are provided to Registrars for such names upon application for renewal of domain names.

#### 4 Conclusion

Gilbert + Tobin is generally of the view that the greater level of regulation of .au domain names, in particular in relation to holder eligibility criteria are adversely affecting the legitimate interests of international brand owners. That being the case, Gilbert + Tobin believes that existing .au

policies should be amended to take better account of the needs of international brand owners, for example by allowing registration of .au names on the basis of reputation for a brand in Australia, without requiring further substantiating registrations.

Gilbert + Tobin supports the retention and development of policies developed to address the needs of brand owners and preserve the integrity of the .au domain name space by providing for prompt name cancellation, including in relation to typosquatting and domain name monetisation. However, Gilbert + Tobin suggests that there should be a broader application of these options in relation to other commonly experienced problems such as the registration of identical or phonetically equivalent names, or breach of warranties in domain name licences and in particular false claims of a “close and substantial connection” with a domain name, in order to supplement the .auDRP where what is desired is cancellation of a domain name registration rather than transfer.

Please address any queries in relation to the above to Lisa Lennon on (02) 9263 4190 or Lauren Eade on (02) 9263 4369.