

**REVIEW OF .AU POLICY FRAMEWORK**  
**2010 NAMES POLICY PANEL**  
**DRAFT RECOMMENDATIONS, MAY 2011**

**WHAT THIS PAPER IS ABOUT**

The 2010 Names Policy Panel was established to consider Australia's domain name policies and advise on any changes it considers appropriate. The Panel has previously sent out a discussion paper, and considered the impressive number of responses – over 200 – to that paper. This second paper is the result, and presents the draft recommendations for change which the Panel has agreed upon.

This paper also gives you a chance to comment on changes that the Panel proposes to recommend to the Board of auDA. The draft recommendations on pages 3-12 deal with a number of proposed changes to the policy, and in some cases propose no change.

In particular, the Panel recommends changes to the current two year licence period (1D), the release of single character domain names (1F), relaxation of the rules for id.au (1G), a change to the reserved list in relation to geographic names (2), and incorporation of the domain monetisation policy into general policy, with some amendments (3). In other cases, recommendations aim to clarify or retain existing policies.

Australian domain name policies are administered by auDA on behalf of the Australian community. Policies are created or changed by a highly consultative process to which all Australians are invited to contribute. We thank you for your previous suggestions, and welcome your further comments and suggestions.

**HOW TO SUBMIT YOUR COMMENTS**

There are two ways in which you can comment on the draft recommendations contained in the paper.

1. Send a written submission to:

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Policy Officer  
email: [lujia.chen@auda.org.au](mailto:lujia.chen@auda.org.au)  
fax: 03 8341 4112

Electronic submissions are preferred. All submissions will be posted on the auDA website within 2 working days of receipt, unless clearly marked confidential.

**The closing date for submissions is Friday 10 June 2011.**

2. Complete the online survey at  
<http://www.surveymonkey.com/s/2010namespolicydraftrecommendations>

**The survey will close on at midnight on Friday 10 June 2011.**

## BACKGROUND

In August 2010 the auDA Board established the 2010 Names Policy Panel to:

- review the policy framework underlying the allocation and use of domain names in the .au domain space; and
- provide recommendations to the auDA Board.

Full text of the Panel's Terms of Reference, a list of Panel members and minutes of Panel meetings to date, are available on the auDA website at

<http://www.auda.org.au/2010npp/2010npp-index/>.

Under its Terms of Reference, the Panel is required to undertake at least two rounds of public consultation, to ensure that its recommendations to the auDA Board have been properly canvassed with, and informed by, key stakeholders and the general community.

### Discussion Paper, November 2010

In November 2010, the Panel released a Discussion Paper which invited comments on the Panel's general deliberations to date. The Panel received 177 complete responses to the online survey and 30 submissions; the latter are archived on the auDA website at

<http://www.auda.org.au/2010npp/2010npp-index/>.

### Draft recommendations

The Panel has taken all public comments into account in formulating its draft recommendations, which are now being released for a further round of public consultation.

The Panel is due to provide its final report to the auDA Board in August 2011.

## 2LD HIERARCHY

<b>2LD</b>	<b>Purpose</b>
asn.au	For non-profit organisations, associations, clubs and special interest groups
com.au	For commercial entities and traders
csiro.au*	For the Commonwealth Scientific and Industrial Research Organisation (CSIRO)
edu.au*	For educational entities
id.au	For individuals
gov.au*	For government departments and agencies
net.au	For commercial entities and traders
org.au	For non-profit organisations, associations, clubs and special interest groups
act.au, qld.au, nsw.au, nt.au, sa.au, tas.au, vic.au, wa.au*	For local community groups. Only Australian place names may be registered – eg. ballarat.vic.au and wollongong.nsw.au

\*These 2LDs are excluded from the Panel's Terms of Reference.

## DRAFT RECOMMENDATIONS

### 1. Domain Name Eligibility and Allocation Policy Rules for the Open 2LDs (2008-05) and Guidelines for Accredited Registrars on the Interpretation of Policy Rules for Open 2LDs (2008-06)

1.1 The Panel notes that responses to the Discussion Paper reinforced its view that, overall, the Policy Rules remain appropriate and desirable. The Policy Rules appear to be reasonably well understood and accepted by the community, and there is no serious level of demand for significant change to the eligibility and allocation criteria for .au domain names.

#### **1A: Registrants must be Australian (or registered to trade in Australia)**

##### *Current policy:*

1.2 Foreign entities are eligible to register a com.au or net.au domain name if they are registered to trade in Australia and have an ARBN (verified against the ASIC database), or if they are the applicant for, or owner of, an Australian registered trade mark and have a TM number (verified against the ATMOSS database).

##### *Public consultation outcomes:*

1.3 The Panel notes that the overwhelming majority of public comments were in favour of retaining the current policy, that registrants must be Australian or registered to trade in Australia. Reasons given for this view related to maintaining the perceived integrity of .au, consumer protection and support for Australian businesses online, especially small business.

1.4 It was suggested that negative views were mostly based on a lack of knowledge of how other ccTLDs work, and a “fear of the unknown”. Panel members agree that, whilst that may be the case, nevertheless the consultation reflects a very strong community acceptance that “.au means Australian”.

##### *Views of the Panel:*

1.5 The Panel agrees that the current policy should be retained. Most Panel members believe that the barrier to entry (ie. ARBN or TM registration) is not high for foreign traders who have a genuine intention to conduct business in Australia, and that there are persuasive consumer protection reasons to prevent non-genuine traders from taking advantage of the perceived integrity of the .au domain.

#### **1A DRAFT RECOMMENDATION**

**The Panel recommends that the requirement for registrants to be Australian (or registered to trade in Australia) should remain in place.**

#### **1B: Org.au eligibility criterion – “special interest club”**

##### *Current policy:*

1.6 In the past, org.au domain names were restricted to incorporated associations, non-profit Australian registered companies, registered charities, registered political parties and trade unions – these entities were required to provide an official identifier such as ACN or ABN. Following a Panel review in 2004, the eligibility rules for org.au domain names were relaxed to also allow a “special interest club” to register a domain name without having to provide an official identifier. The registrant must warrant that it meets the eligibility criteria, and auDA reserves the right to delete the domain name if it is found that the registrant has made a false warranty.

##### *Public consultation outcomes:*

1.7 The Panel notes that public comments clearly affirmed the current policy that informal clubs and groups should be allowed to register org.au domain names. Respondents also

generally endorsed the current enforcement approach towards registrants who breach the policy.

*Views of the Panel:*

1.7 The Panel agrees that the “special interest club” eligibility criterion for org.au domain names should be retained. However, Panel members consider that it would be useful to amend the policy to include a clearer description or definition of “special interest club”, including the evidence requirements for establishing eligibility. As the eligibility criteria for asn.au are the same as for org.au, the Panel recommends that the same amendment should be made in both 2LDs.

1.8 The Panel notes that the exact wording of any amendment is a matter for auDA, but one option, raised in the Discussion Paper, would be to use the legal definition of an unincorporated association: “an association, society, club, institution or body formed or carried on for any lawful purpose and that has not less than five members”.

### **1B DRAFT RECOMMENDATION**

**The Panel recommends that the “special interest club” eligibility criterion for org.au and asn.au domain names be more clearly defined.**

### **Issue 1C: Policy enforcement**

*Current policy:*

1.9 Registrants are required to provide certain types of information at the time they register a .au domain name. The registrar must verify any official identifier provided by the registrant, eg. ACN, ABN, TM number. Otherwise, the registrar is entitled to rely on the warranty made by the registrant that they comply with the .au policy rules. auDA reserves the right to delete the domain name if the registrant is later found to have made a false warranty.

*Public consultation outcomes:*

1.10 The Panel notes that the majority of respondents were unsure of auDA’s current enforcement mechanisms. Suggested improvements included clearer or more objective policy rules, upfront verification of compliance, an independent review mechanism, cheaper and more informal dispute resolution processes, and more power for auDA to impose fines and other sanctions.

*Views of the Panel:*

1.11 The Panel notes that, in January 2011, auDA introduced a Registrant Review Panel to provide for independent review of a decision by auDA to delete a registrant’s domain name for breach of policy.<sup>1</sup> The Panel commends auDA on the introduction of the scheme, which should help to address concerns about the lack of recourse for registrants who are dissatisfied with auDA’s enforcement processes.

1.12 The Panel notes that auDA’s policy enforcement is mostly complaints-based, and believes that auDA’s current complaints-handling process is reasonably effective, although the Panel’s views on this issue might be better informed if it had access to more detailed complaints statistics (eg. how many complaints involve unique registrants versus “repeat offenders”). The Panel is aware that auDA conducts periodic audits of “high risk” registrants, which is consistent with the compliance approaches of other regulatory bodies such as the Australian Taxation Office and the Australian Communications and Media Authority. The Panel recommends that auDA should publish the results of audits, to help educate the public about policy compliance and to act as a deterrent against potential offenders.

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<sup>1</sup> Refer to the Registrant Review Panel Rules (2011-01) at <http://www.ada.org.au/policies/ada-2011-01/>.

## 1C DRAFT RECOMMENDATION

The Panel recommends that auDA should publish the results of its periodic policy compliance audits.

### **Issue 1D: Two year licence period**

#### *Current policy:*

1.13 There is a fixed 2 year licence for all domain name registrations in the open 2LDs.

#### *Public consultation outcomes:*

1.14 The Panel notes that the public consultation produced a clear outcome on this issue. The majority of respondents strongly supported a move away from the current fixed 2 year licence to allow for a wider range of licence periods. Respondents were given the option to select preferred licence periods from 1 to 5 years, and the results were fairly evenly spread. A significant number of respondents also suggested a 10 year licence period.

#### *Views of the Panel:*

1.15 The Panel believes that the domain name licensing system should be able to provide registrants with greater flexibility and choice. For example, a shorter licence period would be attractive for start-ups or personal use domain names, while large businesses and trade mark holders would probably prefer a longer licence period. Accordingly, Panel members agree that registrants should be able to license a domain name for 1, 2, 3, 4 and 5 year periods.

1.16 Panel members do not support licence periods over 5 years, due to the higher risk that, over a longer time period, domain names would lie dormant and registry data would become out-of-date. To that end, Panel members also suggest that a regular WHOIS data verification check should be introduced along with the change to licence periods.

1.17 The Panel understands that changing the licence period would have significant cost and revenue implications for auDA and the industry, and that implementation may have to be delayed until the next registry licence period in 2014. The Panel's role is to recommend changes on policy principle grounds, and it is up to the auDA Board to consider the implementation issues.

## 1D DRAFT RECOMMENDATION

The Panel recommends that registrants should be able to license a domain name for a 1, 2, 3, 4 or 5 year period.

### **1E: Leasing of .au domain names**

#### *Current policy:*

1.18 Currently, there is no .au policy that expressly addresses whether a registrant can lease (or sub-license) their domain name to another entity.

#### *Public consultation outcomes:*

1.19 The Panel notes that public comments on this issue were fairly evenly split between those who did not see any problem with leasing, and those who thought it would undermine .au policy rules.

#### *Views of the Panel:*

1.20 The Panel notes that corporate structure-related leasing arrangements (eg. between holding and subsidiary companies) are already accommodated within the current policy. The issue is whether or not leasing arrangements between unrelated entities would or should be acceptable under .au policy, particularly where the registrant has registered the domain

name under the close and substantial connection rule. The Panel notes that the same issue may arise with respect to other third party arrangements, such as trusts.

1.21 The Panel understands that auDA's current position (unpublished) is that the registrant remains responsible for the domain name, regardless of any arrangement that it may have with a third party to use the domain name; as far as auDA is concerned, a third party user does not have any rights in relation to the domain name. For example, if auDA receives an eligibility complaint about the domain name then it will investigate whether or not the registrant is eligible, and if it determines that the registrant is not eligible then it will delete the domain name regardless of whether a third party is using it.

1.22 The Panel agrees that any attempt to codify or regulate leasing, trust or other such arrangements would be difficult and administratively burdensome. However, Panel members believe that it would be beneficial for auDA to publish its position on third party rights, so that parties who want to enter into such an arrangement are aware of their rights and responsibilities under .au policy.

### **1E DRAFT RECOMMENDATION**

**The Panel recommends that there should not be any express recognition of third party rights in the Policy Rules, however auDA's position on this issue should be clarified and published.**

#### ***Issue 1F: Single character domain names (a-z, 0-9)***

##### *Current policy:*

1.23 Single character domain names (eg x.com.au or 4.net.au) are currently not able to be registered in any .au 2LD<sup>2</sup>.

##### *Public consultation outcomes:*

1.24 The Panel notes that the majority of public comments were against the release of single character domain names. The main objections raised were the difficulty in determining eligibility for a single character domain name, and suspicions that it would be merely a revenue-raising exercise for auDA and the industry.

##### *Views of the Panel:*

1.25 Notwithstanding public comments on this issue, the Panel believes that as there is no longer any technical restriction on single character domain names, there would need to be compelling policy reasons why these domain names should not be released. Panel members acknowledge that determining what would meet the eligibility rules for a single character domain name would be challenging. There are a few companies or brands that are known by a single letter or number (eg. the telecommunications company Three, the television networks Seven, Nine and Ten), but it is less clear how others would demonstrate their eligibility. There is also the question of the most appropriate release mechanism for these domain names. The Panel is aware that auDA has used auction and ballot methods in the past for the release of generic and geographic domain names, however it is not clear whether single character domain names would have any significant market value.

1.26 The Panel regards these issues to be implementation matters, as opposed to policy considerations. As with the domain name licence period issue (1D above), the Panel's role is to recommend changes on policy principle grounds, and it is up to the auDA Board to consider the implementation issues.

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<sup>2</sup> There are a few existing single letter domain names (eg. i.net.au, x.net.au), which are legacy domain names created prior to auDA's administration of the .au domain.

## 1F DRAFT RECOMMENDATION

The Panel recommends that single character domain names be released, in the absence of any compelling technical or policy reason to maintain the restriction.

### 1G: Registration of domain names for personal use

#### *Current policy:*

1.27 Individuals who want to register a .au domain name for personal use have the following options under the current eligibility criteria:

- registration in id.au, provided the domain name is an exact match, abbreviation or acronym of the registrant's personal name, or a name by which they are commonly known (ie. a nickname)
- registration in com.au or net.au, provided the registrant has an ABN or a registered business name
- it is not possible for an individual to register in asn.au or org.au, because the eligibility criteria only allow for organisations, associations, clubs or groups.

#### *Public consultation outcomes:*

1.28 The Panel notes that public comments were generally in favour of making it easier for individuals to register .au domain names for personal use. Whilst some comments argued for removing all restrictions in com.au, most respondents were in favour of maintaining the commercial nature of com.au and allowing individuals to register in other 2LDs. Some respondents suggested creating a new 2LD, which is outside the scope of this Panel.

#### *Views of the Panel:*

1.29 The Panel agrees that there is a public benefit in preserving the different purposes of the various 2LDs, and that id.au is the most appropriate 2LD for individuals to register domain names. Panel members support a relaxation of the close and substantial connection rule in id.au to allow people to register domain names that refer to personal hobbies and interests. The Panel notes that id.au would provide a controlled environment to test the policy relaxation, with a low risk of wider impact. Panel members also believe that relaxing the policy rules might stimulate some interest and growth in the relatively under-used id.au 2LD.

## 1G DRAFT RECOMMENDATION

The Panel recommends that the close and substantial connection rule for id.au be relaxed to include domain names that refer to personal hobbies and interests.

### 1H: Direct registrations under .au

#### *Current policy:*

1.30 It has never been possible for people to register a domain name directly under .au (eg. domainname.au). Instead, the .au domain is structured into a number of 2LDs and people must register their domain name as a 3LD (eg. domainname.com.au, domainname.org.au). The .au 2LD hierarchy was created by the first administrator of the .au domain, Robert Elz.

#### *Public consultation outcomes:*

1.31 The Panel notes that the majority of public comments were against allowing direct registrations under .au. People thought that the current 2LD hierarchy is well-known and understood, and introducing direct registrations would cause unnecessary confusion for little public benefit.

#### *Views of the Panel:*

1.32 The Panel notes that there does not seem to have been any shift in public opinion since the issue of direct registrations under .au was last considered by the 2007 Names Policy Panel.

The 2007 Panel found that there was no groundswell of support for direct registrations, and even among those who supported it, there was no agreement on a method of implementation.

1.33 Members of the current Panel acknowledge arguments that direct registrations have been successfully introduced in other ccTLDs. However, the Panel agrees that such a major change to the Australian DNS would require a much stronger level of support from the community than has been demonstrated through this consultation process.

## 1H DRAFT RECOMMENDATION

**The Panel recommends that direct registrations under .au not be allowed at this time.**

### 2. Reserved List Policy (2008-03)

#### *Current policy:*

2.1 The current Reserved List contains names (including letters, numbers and hyphens) that are either:

- restricted under Commonwealth legislation; or
- may pose a risk to the operational stability and utility of the .au domain.

2.2 Words and phrases currently restricted under Commonwealth legislation are “Commonwealth”; “Federal”; “ANZAC”; “Geneva Cross”; “Red Crescent”; “Red Cross”; “Red Lion and Sun”; “United Nations”; “University”; “Olympic(s)”; “Olympiad(s)”; and “Olympic Games”.

2.3 Words and phrases on the restricted list are blocked at the registry and cannot be registered unless consent is provided by a particular governing body, with the exception of the words “Commonwealth” and “Federal”, where total restriction applies.

#### *Public consultation outcomes:*

2.4 The Panel notes that relatively few comments were received in relation to the Reserved List Policy, and they were generally supportive of the current policy approach.

#### *Views of the Panel:*

2.5 The Panel believes that the current policy is appropriate and effective, but may require updating to ensure consistency with Commonwealth legislation.

2.6 The Panel has recently been alerted to an issue regarding the registration of Australian state and territory names in the open 2LDs. Currently, all the names and abbreviations of Australian states and territories are on the Reserved List (although this is not mentioned in the policy itself).<sup>3</sup> They were first placed on the list as part of the general reservation of geographic names, but were not released when all the other geographic names were released in 2005. The Panel understands that, at the time, auDA took the view that these names are of national significance, and therefore should continue to be reserved from general use. Unlike other names on the Reserved List, there is no specified approval process for registration of these names.

2.7 The Panel has been asked to consider whether state and territory names should be available for registration, and if so, who would be the appropriate entity to register them, and what approval process should apply. Panel members have identified three options:

- Option A: The names and abbreviations of Australian states and territories should remain on the Reserved List, but may be released on application provided that the

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<sup>3</sup> There are a few existing state and territory domain names (eg. nt.com.au, sa.com.au), which are legacy domain names created prior to auDA’s administration of the .au domain.

proposed registrant is eligible to use the name under normal policy rules, and that they have received permission from the relevant state government authority (eg. Premier or Attorney-General's Department).

- Option B: The names and abbreviations of Australian states and territories should be treated in the same way as other geographic names and released from the Reserved List; and that the process for releasing them should be determined by auDA.
- Option C: The names and abbreviations of Australian states and territories should remain on the Reserved List, and there should be no provision for registration of the names.

The majority of Panel members favour Option A.

## **2 DRAFT RECOMMENDATION**

**The Panel recommends that the Reserved List Policy be retained, and updated as necessary to ensure consistency with Commonwealth legislation.**

## **2 QUESTION**

**Which of the three options (A-C) listed above should be adopted with regard to the names and abbreviations of Australian states and territories on the Reserved List?**

## **3. Domain Monetisation Policy (2008-10)**

*Current policy:*

3.1 Under the Domain Monetisation Policy, "domain monetisation" means "registering a domain name in order to earn revenue from a monetised website", and a "monetised website" means "a website or landing page that has been created for the purpose of earning revenue from advertising".

3.2 The policy permits the registration of domain names for the purpose of domain monetisation under the close and substantial connection rule, under the following conditions of use:

- the content on a monetised website must be related specifically and predominantly to the domain name
- the domain name must not be, or incorporate, an entity name, personal name or brand name in existence at the time the domain name was registered.

*Public consultation outcomes:*

3.3 Public comments indicated general uncertainty about what domain monetisation is, and how the policy applies. There were divergent views on how domain monetisation should be treated under .au policy, ranging from calls to abolish all policy restrictions to arguments for stronger regulation and outright banning of domain monetisation.

*Views of the Panel:*

3.4 The Panel notes that the origin of the domain monetisation policy was a clarification of the close and substantial rule under the eligibility policy. The policy sets up a connection between the registrant and the domain name where there is otherwise no connection available under the existing eligibility rules. In other words, the policy allows registrants who would otherwise not be eligible under the existing close and substantial connection rule, to register domain names for monetisation purposes. For this reason, the Panel notes that simply abolishing the domain monetisation policy without making any other provision, would result in registrants not being allowed to register for monetisation purposes at all. Therefore, the Panel's consideration of this issue has been focused on possible changes to the policy, as opposed to complete abolition of the policy.

3.5 The current policy imposes two conditions of use on domain names registered for monetisation purposes. The first condition is that “the content on a monetised website must be related specifically and predominantly to the domain name” (known as the “content rule”). The Panel has considered arguments that the role of auDA is domain name regulation, not website content regulation, and that registrants should be allowed to put any content they like on their website. However, these arguments fail to recognise that the purpose of the content rule is to create a close and substantial connection between the registrant and the domain name that would not otherwise exist. If the content rule was removed, then that would be akin to removing the close and substantial connection rule altogether.

3.6 Panel members understand that if the close and substantial connection rule was to be removed for monetisation, then it would have to be removed for all registrations – ie. all registrants would be allowed to register any domain name they wanted, on an open slather basis. There is a consensus amongst Panel members to support retaining the current allocation criteria, reaffirming the long-standing policy principle in .au that there must be some kind of connection between a registrant and their domain name.

3.7 Further, with respect to the content rule, Panel members note comments from domainers (ie. people who register domain names for monetisation purposes) that most registrants would comply with the content restrictions for their own business reasons in any case, because a monetised website with irrelevant content will not attract internet traffic.

3.8 The second condition of use on domain names registered for monetisation purposes is that “the domain name must not be, or incorporate, an entity name, personal name or brand name in existence at the time the domain name was registered”. There is a consensus among Panel members that this condition should also be retained, to guard against bad faith registrations.

3.9 Whilst the Panel is in favour of retaining the current conditions of use on domain names registered for monetisation purposes, Panel members do not see the need to retain a separate domain monetisation policy. In keeping with the mainstreaming of monetisation practices on the Internet, the Panel believes that domain monetisation should be incorporated into the general eligibility and allocation policy rules, as an additional category of close and substantial connection. The Panel also believes that references to “domainers” in auDA policy should be removed, to avoid singling out a particular class of registrant.

3.10 The Panel is also in favour of broadening the scope of the policy to accommodate a range of different monetisation models. Rather than try to define the term “domain monetisation” by reference to a “monetised website” or other prescribed usages, the Panel believes it would be sufficient to describe permissible practice along the lines of “registering a domain name where the predominant purpose of the registration is to obtain revenue through use of that domain name.” This would give registrants greater flexibility in their use of domain names registered under the close and substantial connection rule, provided that they meet the conditions of use outlined above.

3.11 The Panel notes that public comments on this issue highlighted a lack of understanding of the domain monetisation policy, even among members of the domainer community. The Panel believes that this could be addressed by providing further explanatory material, including examples of acceptable practice, in the policy guidelines.

### **3 DRAFT RECOMMENDATION**

**The Panel recommends that:**

- a. the Domain Monetisation Policy (2008-10) should be abolished as a separate policy;**
- b. Schedules C and E of the Domain Name Eligibility and Allocation Policy Rules for Open 2LDs (2008-05) should be amended to include domain monetisation under the close and substantial connection rule for com.au and net.au domain names;**

c. the existing conditions of use on domain names registered on the basis of domain monetisation under the “close and substantial” connection rule should be retained;  
d. the definition of “domain monetisation” should be replaced with a description of permissible practice, to accommodate a range of monetisation models; and  
e. the Guidelines for Accredited Registrars on the Interpretation of Policy Rules for the Open 2LDs (2008-06) should be amended to include additional explanatory material regarding domain monetisation.

#### **4. Prohibition on Misspellings Policy (2008-09)**

*Current policy:*

4.1 The Prohibition on Misspellings Policy prohibits the registration of domain names that are misspellings of entity, personal or brand names (also known as typosquatting). For example, under the policy, google.com.au is a prohibited misspelling of google.com.au. The main reason why people register misspellings is to “catch” Internet users who intended to go to the real website. auDA maintains a list of names that have been determined under the policy to be prohibited misspellings; the list currently contains approximately 2,000 names.

*Public consultation outcomes:*

4.2 The Panel notes that the majority of respondents were in favour of retaining the prohibition on misspellings, citing benefits to brand name owners and consumers alike. A number of comments were concerned that the policy tends to benefit large organisations rather than small to medium businesses.

*Views of the Panel:*

4.3 The Panel agrees that there is a clear public benefit in preventing typosquatting, and believes that the current policy and enforcement approach is largely effective in achieving this aim.

4.4 Panel members acknowledge that the policy does contain an element of subjectivity with respect to the definition of “brand name”, which can lead to uncertainty of outcome for both complainants and registrants. One option (raised in public comments) would be to restrict the list of misspellings to trademarked names only, however there is a concern that such a restriction would disadvantage small businesses and sole traders who tend not to have a registered trademark. On balance, the Panel believes that the current policy is the most appropriate approach.

#### **4 DRAFT RECOMMENDATION**

**The Panel recommends that the Prohibition on Misspellings Policy be retained in its current form.**

## GLOSSARY

<b>Term</b>	<b>Definition</b>
2LD	Second level domain, ie. a name at the second level of the .au domain name hierarchy (eg. com.au)
3LD	Third level domain, ie. a name at the third level of the .au domain name hierarchy (eg. domainname.com.au)
ABN	Australian Business Number
ACN	Australian Company Number
ARBN	Australian Registrable Body Number (ASIC identifier for foreign entities registered to trade in Australia)
ASIC	Australian Securities and Investments Commission
ATMOSS	Australian Trade Mark Online Search System
auDA	.au Domain Administration Ltd
auDRP	.au Dispute Resolution Policy
ccTLD	Country Code Top Level Domain (eg. .au, .uk)
Domainer	An entity or individual that registers domain names for the purpose of domain monetisation
Domain monetisation	The practice of registering domain names in order to earn revenue from advertising
DNS	Domain Name System
gTLD	Generic (or Global) Top Level Domain (eg. .com, .biz)
Registrant	An entity or individual that holds a domain name licence
Registrar	An entity that registers domain names for registrants and is accredited by auDA
SME	Small to medium enterprise
TLD	Top Level Domain (includes ccTLDs and gTLDs)
TM	Trade mark