

INTA Internet Committee Comments on the
Review of .AU Policy Framework
2010 Names Policy Panel Discussion Paper
January 21, 2010

The Internet Committee of the International Trademark Association (INTA) is pleased to provide the following comments on the Review of .AU Policy Framework 2010 Names Policy Panel Discussion Paper.

Issue: Allocation criteria for each 2LD:

We note that the language for allocation criteria is unclear and should be clarified further to ensure that only eligible registrants obtain a domain name. For example, the term “close and substantial connection” could be expanded to provide more guidance as to what kind of connections would be sufficient. Examples might be useful.

Issue: Enforcement mechanisms in the .au domain space:

The role played by auDA in the domain space appears to be appropriately limited. Any detailed investigation beyond what is the scope of the work of auDA, as noted in the discussion paper, should be managed by auDRP. Detailed investigation, especially on complex matters of trademark laws, should be managed by auDRP.

We support the improvement of enforcement mechanisms for intellectual property violations, realizing however that it may ultimately require granting wider powers to auDA, which may be inconsistent with its current mandate.

Issue: Leasing of .au domain names:

Any leasing or sub-licensing of a domain name allocated to a registrant by auDA on the basis that the registrant owns a trademark, should be subject to mechanisms to ensure that there is a legitimate connection between the owner of the domain name and the licensee. Further, auDA rules concerning the leasing or sub-licensing of domain names should ensure continued open public access to the contact details of the true owner of the domain name registration.

Issue: Prohibition on Misspellings Policy:

We believe that prohibition on misspellings should be retained, and protection is required for other than solely identical marks, and trademark proprietors should always retain the option of approaching auDRP in the event of infringement of rights in their trademarks.

Thank you for considering our views on these important issues. Should you have any questions regarding our submission, please contact INTA External Relations Manager, Claudio Digangi at: cdigangi@inta.org

About INTA & The Internet Committee

The International Trademark Association (INTA) is a 132-year-old not-for-profit association of more than 5,700 member organizations from over 190 countries. One of INTA's key goals is the promotion and protection of trademarks as a primary means for consumers to make informed choices regarding the products and services they purchase. During the last decade, INTA has served as a leading voice for trademark owners in the development of cyberspace, including as a founding member of ICANN's Intellectual Property Constituency (IPC).

INTA's Internet Committee is a group of over two hundred trademark owners and professionals from around the world charged with evaluating treaties, laws, regulations and procedures relating to domain name assignment, use of trademarks on the Internet, and unfair competition on the Internet, whose mission is to advance the balanced protection of trademarks on the Internet.
