



Supplementary Report to Policy Review Panel

Implementation of Direct Registration and

Reform of Existing Policies

Review of Written Submissions

April 8-15 2019

SUMMARY:

The auDA Board was provided with a report summarising written submissions received up to 8th April 2019 as part of the Board papers.

The Policy Review Panel's statement on the auDA website advised that written submissions would be received until 5pm on 12 April 2019.

Consequently, this supplementary report covers the period from 8-12 April 2019.

During this period 25 written submissions were received. This brings the total number of written submissions to 30, since the last meeting of the Board on 12 March 2019.

Of these, 16 individuals who sent written submissions have not been involved in the recent focus groups or previous stakeholder exercises.

Conversely, the Policy Review Panel received 14 written submissions from individuals or organisations that have been involved in Focus Groups or a prior stakeholder exercise and followed up with a written submission. This is not to diminish the importance of those submissions, rather it is simply to indicate that their recommendations were previously considered by the Policy Review Panel.

There is considerable goodwill among written submitters. Several individuals have indicated their interest in working with auDA or a future policy panel/steering committee particularly on monetisation, resale and warehousing, monetisation policy reform, even if they do not agree with the current proposals.

In addition to written submissions, a website vote.com.au was created allowing individuals to send a proforma email to the policy review email address. The 5 questions objected to resale and warehousing recommendations and changes to the close and substantial connection rule as recommended by the Policy Review Panel (PRP). The questions were presented in a proforma with predefined outcomes, an example of which is provided on the auDA website. The proforma email is limited to these issues. The Policy Review Panel received 214 proforma submissions.

A full list of written submitters and signatories to the proforma is attached in Appendix A.

The submissions referred to in this report have been publicly released on the auDA website, where the author has provided permission to do so.

BRIEF ANALYSIS SUBMISSIONS OF INTEREST:

Department of Communications and the Arts (DoCA)

The Department notes its appreciation for the lengths the PRP has gone to canvass the views of the Australian Internet community

Supports and welcomes auDA's proposals for a widespread education campaign associated with the possible introduction of .au

On the issue of Reserved Names, the Department supports the recommendation contained in the Digital Transformation Agency submission which are detailed in the Board papers. The Department also makes recommendations about a complaints and dispute resolution mechanism.

Submission from EDAC

The submission from EDAC is consistent with that of the DTA and Education Services Australia. They are supportive of most of the PRP's recommendations. They propose tightening of Misspellings and Reserved Names.

Submission from Gilbert & Tobin

Gilbert & Tobin suggested: allow AU trade mark owners to participate in the SLD as Priority Applicants; include a challenge process similar to the URS where there is registration of a trade mark in the SLD that clearly infringes the trade mark rights of a brand owner, whether Australian or not; and review the new SLD space 12 months post launch to monitor the level of malicious registration and to ensure that issues identified post implementation are recognised quickly and addressed

Internet Australia's submission supports the recommendations made by the Policy Review Panel. In relation to Direct Registration. Internet Australia makes a couple of recommendations relating to Contestable Levels which are largely administrative in nature.

International Submitters:

Submission from the **Ireland based Blacknight Solutions** which is an ICANN accredited registrar. They support the Implementation Plan for Direct Registration but have concerns about the proposed Reforms to Existing Policies.

A submission was received from the **Washington based Internet Commerce Association**, which is a trade association for domain name investors, objecting to the recommendations around domain monetisation, resale and warehousing, and argues that the priority process for Direct Registration should not be extended to government and the education sector. This is inconsistent with the advice received by the Policy Review Panel from these sectors.

Australian based submissions

Submission from Christopher Norris, Domain Investor objecting to Direct Registration and the Reform of Existing Policies.

Submission from Joel Roberts supports the Implementation Plan for Direct Registration, changes to the Misspelling Policy but does not support most of the recommendations contained in the Reform to Existing Policies.

Submission from David O'Connor supporting the Implementation Plan for Direct Registration but not the changes to Existing Policies. In other words, David recommends that .au is introduced with the current policy parameters in place.

Submission from Vincent Turner which proposes higher prices for the new domains; use it or lose it, and not just put up a landing page. Create a going concern business and/or invest in other IP related to the name (business name, trademark etc) and if not, then arbitration process for challenges on a set of guidelines with the arbitration final and the fees paid for by the losing party (this process could be outsourced and covered by the fixed fee). And grandfather the existing domain holders with a right to sell for whatever the market will pay in a 2 year amnesty window to avoid them taking absolute losses.

Submission from Simon Johnson (former auDA Director and domain investor) objecting to all proposed policy changes.

Anonymous submission from a domain investor which consistent with the opinions of the majority of domain investors, wants no restrictions on domain portfolios and giving .com.au holders priorities over others.

Written submissions were received from Anthony Peake (Registrar), RealEstate.com.au, Davies Collison Cave (trademark attorney firm), which are in addition to their contributions in the Focus Groups held in March 2019. As such, their views are known to and have been considered by the PRP.

APPENDIX – LIST INVITED TO MAKE WRITTEN SUBMISSION

Written Submissions

- Bobby Khanna – Online Marketing Group Pty Ltd
- Annaliese Williams – Australian Government, Department of Communications and the Arts (DOCA)
- Sally Foreman – Davies Collison Cave
- Sean Fogarty
- Robert Kaay
- Ric Mejias - Berrima Retreat
- Lydia Nielsen - Oceania Business Solutions PTY LTD
- Michael Norris – News and Sport
- edu.au Domain Administration Committee's (eDAC)
- David O'Connor
- Education Services Australia (two)
- Joel Roberts
- Christopher Norris – Domain Boutique
- Gary Dean - Compost Wise
- Simon Johnson - former auDA Director
- Martin Crampton
- Anthony Rundel – TPD Design
- Antoinette Stingas
- Kirill Katelenets
- Anthony Peake - Trellian Pty Limited
- Adam Ithiel – The Product
- Zak Muscovitch - Internet Commerce Association, USA
- Edward Keay-Smith - The Short Course Company Pty Ltd
- Tim Guy – Realestate.com.au
- Dwight Walker - WWWalker Web Development Pty Ltd
- Miles Burke – Bam Creative
- Tasmanian Government Department of Premier and Cabinet
- Chris Erett – Digital Transformation Agency, Australian Government

Pro Forma Submissions:

Raghunathan Muralidharan	Ryan Krylyszyn	David Wilson
Garry Mun	Tina (surname withheld)	Don Butler
Kate LeMessurier	Daryl Smart	Ray Adel
Nicolas Connault	Michael Reed	eHealth Training Partners (admin)
Steve Fish	Kevin Harlan	eHWS (owner)
Zhen Lim	Damian Fogarty	Klaus (surname withheld)
Michael Viller	Ivan Jakovac	Justin Warke
John Smythe	Roland Bleyer	Garó (surname withheld)
Aiko Bernaldez	Cameron Fraser	Roman (surname withheld)
Paula Kearney	Jarrod (surname withheld)	Glenn Tasker
Luke (surname withheld)	Neil Atwood	Frank (surname withheld)
Stuart (surname withheld)	Neil Chantry	Nestor Padilla
Anthony Rodriguez	Simon Cook	Brian Kennan
Raj Anthony Singh	Greg Brown	Larissa Zimmerman
James Brown	Darren Weiskop	Peter (surname withheld)
George Patterson	Lydia Nielsen	Peter Storey
Rick Pearson	Richard (surname withheld)	Stephen Spry
P D Basford	Cameron Messer	Rick Draper
John Ward	Daniel Wallbank	Eddy Eau
Will (surname withheld)	Peter Murtagh	Marty Reynolds
Andrew Burge	Edwin (surname withheld)	Jason Penna
Steve McDooble	Brett (surname withheld)	Bradley Yates
Nigel Ayling	Mark (surname withheld)	Dianne Jekel
Bruce Evans	Geoff Stuart	David O'Connor
Paul Bell	Greg Roberts	Ivan K
Kelly-Anne Horne	Matt Joseph	Barry Jekel
George Kenyon	Petra Webstein	Chris Guthrey
Nitant (surname withheld)	Davidregory	Di Thompson
Stephen Springall	Lane Trewin-Hallett	Cameron Cox
Quentin Nel	Grae Shelton	Michael Bethune
Nathan Sherry	Brian Chet	John Saadie
Simon (surname withheld)	Matt Golightly	Rudy labordus
Simon Cook	Bruce Jordon	Rami (surname withheld)
Debra (surname withheld)	Barb Kais	George Turczynski
Luke Cussans	Peter Kais	Geoff (surname withheld)
George Kenyon	John Reynolds	Colin (surname withheld)
Luke Ford	Ken McKay	P McLeod
Scott (surname withheld)	Catherine Crosse	Steve Hardie
Dave Wilson	Teddy Tjandramulia	Nick Bajik
Dean O'Neill	Bruce Richardson	Karim Bauer
Darren Weiskop	C Lanyon	Adam (surname withheld)
Mitchell Page	A Smith	Dewy Lawrence
Darren Weiskop	Mark Parsons	Ashok Jagadale
Sandeep (surname withheld)	Mark Hacker	Brian Grebert
	Adam Medici	

Orlando Padilla
Danny Widjaja
Roland Sambain
Demetrio Padilla
Dennis (surname withheld)
Paul (surname withheld)
Mark Lanesbury
Craig Jephcott
David Ross
Tony (surname withheld)
Zoe Simpson
David O'Sullivan
Shane Chrisp
Craig Lange
Colin Miller
Alan Moon
Alan Rae
Frances O'Meara
Charlene Morris
Ned O'Meara
Shiva (surname withheld)
Mahesh (surname withheld)
Andrew Moller
William Luhrs
Brennan Lukav
Simon Johnson
Reema
Mark Freidin
Brad Griggs
Bill (surname withheld)
Kris Deep
Andrew McBryde
Kerrod (surname withheld)
Andrew Thomson
Rita Dagle
Anthony Parker
Paula Hughes
Wayne McLellan
Ollie Knust
Theo Dagle
Billy Tucker
Nobby Kleinman
Annie Higgins
Shane Drew
Alan (surname withheld)
Alan Morgans
Tony Bulic
Gary deNooyer

Erica Sievers
Leon Rown
Scott Boyd
Adam Pile
Jim Stewart
Andrew Curtis
Oi Ling Shum
Grant Spencer
Frank Pavilionis
Ed Keay-Smith
Robert Albert
Damian Fogarty
David Moore
Scott Long
Mark Jurisic
Michael Ross
David Lye
Edy Sriwi
Teddy Tjandramulia
Kris (surname withheld)
Mathew Walker
Robert Gibellini
Graham Harvey
Bill Flynn
Alan Stewart
Debra Stewart
Frances Blackie
David (surname withheld)
Luke Smorgan
Mirek (surname withheld)
Steven Wells
Michael Robertson