



4 June 2015

auDA

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ACCAN thanks auDA for the opportunity to contribute to its issues paper on allocation and use of domain names in the .au domain space. The Australian Communications Consumer Action Network (ACCAN) is Australia's peak body for consumer representation and advocacy in communications. We represent residential consumers and small businesses including not-for profit organisations in so far as they are consumers.

**1. Should .au be opened up to direct registrations (eg. Domainname.au)? If yes, should there be any policy rules and if so, what rules?**

ACCAN is opposed to .au being opened up to direct registrations.

The current system of .au domains allows auDA the ability to implement policies that delineate between the different sectors within the Australian internet community. This allows appropriate policies to suit different groups; for example, the not-for-profits in the .org space compared with corporate domains using .com.

a. Do gTLDs pose a threat to the .au brand?

Australia currently has a highly regarded system that works well and the public recognition and understanding of the current system is well embraced. The allocation system is robust and would be adversely affected by such a significant change.

b. Is there evidence of any market demand for direct registrations?

ACCAN does not see evidence of a demand for additional options for domain names or a demand for direct registrations. Defensive registrations would create an artificial demand and would risk devaluing the investments already made by Australian domain name holders. The broad public awareness of .com.au is considered more memorable than a shorter domain name. Third level domains offer sufficient domain options. The recent addition of .sydney, .melbourne, .blog etc. has not demonstrated a notable demand.

ACCAN has approached a sample group of small businesses. They have indicated that they do not believe that there is any market for direct registrations. The following comments reflect these views:

- "Enough with the domain names, I've had to buy enough already to protect my business"
- "As a general rule, in my industry you should aim to have a .com.au if you are a local, bricks and mortar business. Otherwise it should always be .com, it's what internet users have come to expect and are likely to remember (unless you have a very smart domain name)."

- “for a business, I would avoid using .net.au or anything other than .com or .com.au because people are going to be far less likely to remember it”

c. What types of registrants / users would benefit from direct registrations?

ACCAN believes that only a small number of Australian registrants and users would benefit from the introduction of direct registrations. Generally, the Australian internet community seems to be content with the current range of options. Small businesses and not-for-profit organisations choose their domain name ensuring that they have “their own patch” as within .org.au or .com.au, for example. This sector would gain little benefit from direct registrations, but suffer with disruption and the added expense of defensive registrations.

If direct registrations were introduced, the Australian internet community would need an information program to reassess its place in the Australian environment. It would largely fall to auDA, governments and business to implement this, at their expense, while the profits from the introduction of .au domain names would go to registries, resellers etc.

d. What policy rules should apply to direct registrations?

ACCAN strongly believes that the internet is for all users. It is challenging to see what policy rules would apply that would adequately protect the existing domain name holders and members of the public against such a dramatic shift in the Australian domain name environment. There are currently opportunities across the available name space to allow appropriate policies that suit different groups, which then matches the space they are operating in. It would be detrimental to the Australian internet community to remove this protection.

If direct registrations were to proceed, the policy rules would need to be tight and strong. The ‘close and substantial’ rule would not be sufficient.

e. What issues would need to be taken into account as part of the implementation process?

An analysis of the models used for .uk and .nz would be highly beneficial, and particularly an analysis of the immediate and longer term effects of the introduction over several years. ACCAN firmly believes one issue arising would be that the availability of “memorable” domain names would be reduced. Of further concern is the preferential treatment of one group over another, with no regard for the investment that these groups have made to establish their place in the current internet environment.

ACCAN believes that in the .uk market model, there is unfair preferential treatment given to big business (using .co.uk) over other domain groupings as they will have first priority at the .uk equivalent with the domain name being reserved for them for five years without charge. An equivalent organisation, but using .org.uk, would not fare as well and would lose its place and brand investment in this new environment. We have particular concerns for small business operators trying to compete with big business in the same internet environment. Big business typically has dedicated resources to maximise their marketing, including specialist staff, dedicated time and a healthy budget.

- f. Should .au follow the example of other ccTLDs like .uk and .nz

While the paper refers to .nz and .uk shifting to direct registrations it does not provide any measure of success of the introduction, or the policies used for the transition. The idea that Australia is being left behind because other countries are changing to direct registrations is not a reason enough to follow the .uk and .nz examples. The impact of a switch to direct registrations should be evaluated, and an evidence based approach taken to determine the benefits and therefore enable an informed approach to the issue of whether .au should move to direct registrations.

**2. Should the eligibility and allocation policy rules for asn.au, com.au, id.au, net.au and org.au be changed? If yes, what changes should be made?**

- a. Should the domain name licence period remain fixed at 2 years?

ACCAN believe that there should be more flexibility of the licencing period. It should not remain fixed at two years, to allow for shorter timeframe needs such as conferences and campaigns.

- b. The principles of first come, first served and 'no hierarchy of rights' be retained.

ACCAN would agree that use of the automated services is not well known outside the industry and that unknowing users are at a disadvantage when trying to register domain names. Small business operators would be amongst this group. The introduction of direct registrations would compound this issue as the "unwanted" reserved .au names would expire after the 5 year reservation lapsed, if we used the .uk model. A system whereby an official waiting list was available, with a regulated service fee, would ensure an equitable and affordable option and protect against cybersquatting where the domain name goes to the highest bidder.

- c. Should the current eligibility criteria be modified?

No, the current Australian internet environment is well embraced by the Australian internet community. Users typically identify with their sector and focus their purpose in that domain space. There are sufficient market forces to dissuade users venturing outside their area of focus. Mutually exclusive restrictions may prohibit users operating in their preferred domain space.

- d. Is the close and substantial rule desirable?

ACCAN supports the use of the close and substantial rule and continues to see it as relevant. There would be benefit in making the rule more robust rather than dismissing or diminishing it.

- e. What changes are required to address the new practice regarding business name registrations?

ACCAN would appreciate an opportunity to provide comment on this item if an alternative model is proposed.

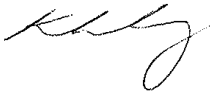
**3. Should the policy rules relating to the reserved list and misspellings be changed? If yes, what changes should be made?**

ACCAN supports the continued prohibitions on the reserved list and misspellings.

ACCAN endorses auDA's view that the Reserved List Policy and the Prohibition on Misspellings Policy continue to be relevant and effective in maintaining the integrity of the .au domain space, and does not consider that they need to be changed unless it is for the purpose of ensuring continued consistency with legislation.

Thank you for considering our views on these important issues. Once again ACCAN would like to thank auDA for the opportunity to contribute to the discussion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Lindsay', written in a cursive style.

Kelly Lindsay  
ACCAN Project Officer, Small Business