



Resolving disputes in .au

The resolution of disputes between a .au domain name registrant and a party with competing rights in the .au domain name are managed under the [.au Dispute Resolution Policy \(auDRP\)](#).

Complaints about a registrant's eligibility to hold a domain name licence under the .au Licensing Rules are managed through auDA's separate [complaints process](#).

What is the auDRP?

The auDRP sets out the process for handling legal disputes related to .au domain names. Where one party believes another party's .au domain name registration infringes their legal rights, they can lodge an auDRP dispute.

For example, the holder of a registered business name may lodge an auDRP dispute about a .au domain name that is identical to their business name and is registered by someone else.

The auDRP provides a faster and more affordable alternative to legal action to resolve disputes than through the courts.

How to lodge an auDRP dispute

A complainant must lodge an auDRP dispute with one of the two independent dispute resolution providers approved by auDA:

- [Resolution Institute](#)
- [World Intellectual Property Organisation \(WIPO\)](#)

Prior to lodging a dispute, the complainant must read the [auDRP](#) to understand the information required to support their claim.

Outcomes available

There are two outcomes available under the auDRP. The complainant can seek to either:

1. Have the disputed .au domain name(s) cancelled, in which case the .au domain name(s) will become available for registration by another eligible member of the public; or
2. Have the disputed .au domain name(s) transferred to the complainant. In this case, the complainant must be eligible to hold the .au domain name(s), otherwise the transfer cannot proceed.

Panel selection

The complainant can choose to have the dispute heard by a panel of either one or three panellists.

If the complainant chooses a one member panel and the respondent feels a larger panel is warranted, the respondent can elect to have the dispute heard by a three member panel.



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Fees for auDRP disputes

The complainant must pay a fee to lodge a complaint under the auDRP. Fees start at \$2,000 and will depend on the number of .au domain names subject to the dispute and whether an administrative panel of one or three members is selected.

Where a complainant has chosen a one member panel and the respondent subsequently chooses a three member panel, the two parties must each pay half of the auDRP fee.

To substantiate an auDRP claim

To be successful under the auDRP, a complainant must show that:

- The respondent's domain name is identical or confusingly similar to a name (company, business or personal name), trade mark or service mark in which they have rights; **and**
- The respondent has no rights or legitimate interests in respect of the domain name; **and**
- The domain name has been registered or subsequently used in bad faith (see page 3 for more information).

The auDRP provides guidance on what type of information can be used to meet these criteria.

Responding to an auDRP dispute

The panel will consider submissions from both parties and provide their decision, with reasons, in writing.

Panel decisions under the auDRP are binding on both parties.

If either party is not happy with the outcome, they have the option of taking legal action in Federal Court. The parties have 10 days from the date of the panel's decision to start legal proceedings. If an appeal is not lodged within this time, the panel's decision will be implemented.

An overview of auDRP decisions

auDA publishes an auDRP Overview on our website, which is a collection of consensus views of auDRP panels on key legal and procedural issues under the auDRP.

It has been produced for auDA by Dr Andrew F Christie, Foundation Professor of Intellectual Property at Melbourne Law School. The format is based on the UDRP Overview produced by WIPO.

The first edition of the auDRP Overview covers approximately 330 auDRP decisions from 1 August 2002 to 15 July 2014. A second auDRP Overview, covering auDRP decisions from 2014 to 2022, is in production.



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Evidence of Bad Faith

The following circumstances may be considered by the panel as evidence of bad faith:

- The registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to another person for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name
- The registrant has registered the domain name to prevent the owner of a name, trade mark or service mark from reflecting that name or mark in a corresponding domain name
- The registrant has registered the domain name primarily for the purpose of disrupting the business or activities of another person
- The registrant has intentionally attempted to attract, for commercial gain, internet users to a website or other online location, by creating a likelihood of confusion with the complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of that website or location or of a product or service on that website or location.

To stay up to date with the latest information about auDA and the .au domain, become a .au member: www.auda.org.au/join
