

Australia's Domain Name System is changing

Call for comment from ACCAN's members and stakeholders

Australia is adopting direct registrations

Many Australian not-for-profit organisations and businesses currently have domain names for their internet presences under the second level domains *.com.au and *.org.au, for example. Recently, auDA, [the body responsible](#) for Australia's domain name system agreed to introduce 'direct registrations'. This is where your chosen internet domain name does not use the familiar ".com.au", ".net.au", ".org.au" etc and new names will be simply "orgname.au". The purpose of this is to simplify domain names and to broaden the names available. auDA's Names Policy Review Panel¹ is conducting a [consultation](#) on how this should be implemented to best protect all stakeholders (suppliers and domain name holders and users). ACCAN is collecting views to inform its submission due 10 November.

Domain names are used to find resources and services on the internet such as web pages (eg www.accan.org.au) and email addresses (info@accan.org.au)

Examples

Current names	Possible new names	Example use
abc.net.au	abc.au	iview.abc.au
accan.org.au	accan.au	info@accan.au
tio.com.au	tio.au	www.tio.au

auDA, also known as the Australian Domain Name Authority, is Australia's regulator and manager of the overall system for domain names that end in ".au". It operates this under license from the Australian government, which recently also announced a review of this arrangement. ACCAN will also be submitting to this inquiry.

Issues

How do we best protect the rights of existing domain name holders? How do we protect consumers from confusion? How do we broaden the uses of Australian domain names well?

Investment protection

As in the past with telephone numbers, many organisations have spent a lot of money raising awareness of their existing domain name through advertising and promotional material. It may be confusing if another organisation takes up that new registration and customers may go to the wrong

¹ Narelle Clark ACCAN DCEO is a member of the auDA Names Policy Review Panel

web site or send email to the wrong address. A way to reduce this problem is to register both the new name and keep the existing domain name.

Implied meanings

New names may also be assumed to have meanings that are not guaranteed. For example www.bank.au might be assumed to be all the official banks in Australia, similarly www.courts.au might be assumed to be the Australian court system. Some names may need to be reserved or refused registration.

Bigger questions

Should priority be given to existing name holders?

Existing name holders may wish to purchase the new direct registration. This will result in two sets of charges and two records to manage. This allows the existing investments in names to be protected, but does not immediately expand the quantity of available domain names in the Australian name space (*.au).

Priority also gives rights to existing holders that do **not** actually have a close matching business name but hold it for historical reasons. Automated systems also exist to purchase domain names the split second they become available, thus locking out others with perhaps stronger moral claims to a name.

Should there be restrictions on eligibility?

Under the existing rules Australian businesses with an ABN can register under *.com.au and *.net.au, and Australian not-for-profits can register in *.org.au and *.asn.au with similar sector specific rules for the other categories, and they need to prove their Australian connection. With direct registrations who should be eligible? Should it be any Australian resident individual or citizen? What sort of proof should they need, and how can this be streamlined for quick and easy registration but prevent abuse (through fake registrations)?

Should Australia just copy other countries?

Most countries around the world did not introduce the second and third level structure Australia has and already have direct registrations. New Zealand and the United Kingdom have recently introduced direct registrations and have had low take up and large numbers of disputes. Ideally we will learn from their experiences as well as the views of Australians.

Misuse of domain names

Good domain name systems have rules that reduce domain name misuse².

One example of domain name misuse is ‘**cybersquatting**’ – that’s where someone deliberately registers a domain name identical to another organisation’s name for the purpose of selling it to them for a profit or misrepresenting the organisation in some way. This can be costly for the target.

² <https://www.icann.org/news/announcement-2017-08-09-en>

Another example is to register a **deliberate misspelling** of a name to attract the visits that organisation may have received. This is popular for pornography, pharmaceutical or malware (viruses etc) sites. It is also known as **'typo-squatting'**.

Do consumers need extra protection in Australian domain names?

Questions from the auDA Names Panel

A summary of the Issues Paper questions is below. After each question a short ACCAN translation or pointer to the issues follows in *italics*. Some questions have been slightly reworded for clarity.

1. What date should be chosen as the cut-off date for determining registrant eligibility for priority registration of the second level domain name, and why?

[A cut-off date will affect who can buy domain names – should it be the date the auDA board agreed to introduce the new system, or another date such as the date from which the domains are available?]

2. Should the holders of domain names at the fourth level within edu.au and gov.au be eligible for priority registration? If so, what rules should apply?

[Australian schools and university centres have names under the names of nsw.edu.au, vic.edu.au or usyd.edu.au (for example), should they have preference for the new names? There will be duplication for example where suburbs have the same name, or university departments. Elite institutions may find these as attractive names to hold.]

3. What process should be implemented to resolve competing claims to the same .au name and why? Should registrants whose claim is unsuccessful be given priority to register another second level domain name?

[With our current system it is possible to have whirlpool.net.au (a household appliances commercial site) and whirlpool.com.au (a technology community discussion forum). Where both parties want the domain whirlpool.au some fairness should apply. Other countries have used lotteries, or auctions. In the case of auctions, money could be directed to positive causes, or simply be profit for auDA. This process would ideally be timely as other countries have suffered lengthy disputes.

*Some people have called for names in *.com.au and *.net.au to have priority over names in *.org.au, *.asn.au and others.*

*An organisation may be happy to swap for another name if they miss out on *.au.]*

4. How much time should priority domain name holders have to exercise their right to register the matching *.au name before it is made available to the public for registration?

[Domain name holders such as small business owners may not realise this is happening and may need time to react. Is 6mo, 12mo or 24mo long enough?]

5. Should certain names be reserved for future use as 2LDs? Please indicate which names and why they should be reserved as future 2LDs?

6. Are there names whose use is not prohibited at law that should be reserved?

7. Should names that are potentially confusing or misleading when registered at the second level be reserved (ie not available for registration)?

[Consumers may expect to find official court information at court.au or official policing information at police.au other examples could include parliament.au, emergency.au, bank.au, army.au, or geographic and cultural names such as eora.au, uluru.au, christmas.au or ramadan.au. Other countries may object to us using their country code to make names such as nz.au or uk.au.]

8. Should names that are a deliberate misspelling of the existing domain names be prohibited from being registered at the second level?

[This would be to prevent typosquatting. An example would be accan.au. How easy is this to demonstrate?]

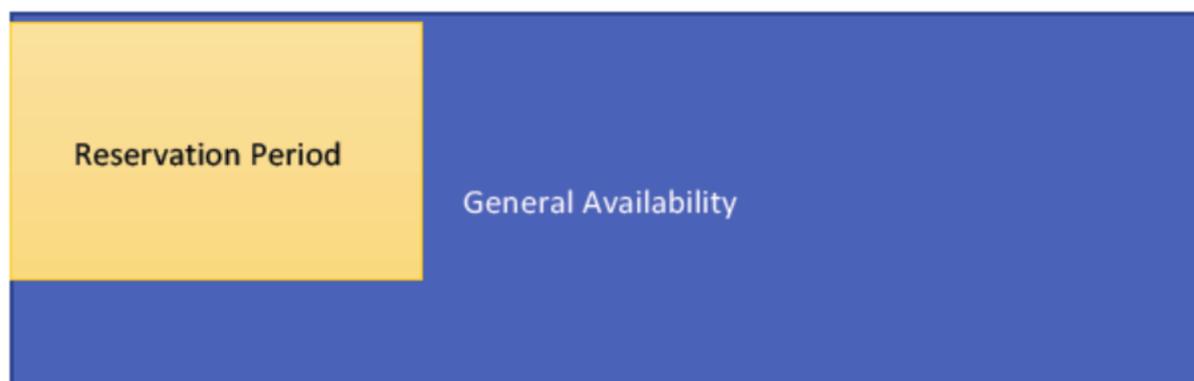
9. Should direct registration be implemented in .au using a staged process or concurrent reservation and open availability process, and why?

*[New names under *.au could be made available in stages:*



The sunrise period could reserve names for existing holders, a land rush period may give alternatives to name holders that missed out in the sunrise, prior to general availability.

OR



Some names could be locked out in the first period whilst also allowing for general availability. OR some other combination.]

10. Should other domain name holders or rights holders be given priority during the landrush or reservation period to register a second level domain name (trademark owners)?

[Businesses often register trademarks or product names instead of their company name. smh.com.au vs Fairfax.com.au might be an example.

Should the Australian Medical Association be guaranteed doctor.au, or the Law Society have first access to lawyer.au? Are these examples (or similar) a good idea, or a restraint of trade?]

In all of these ACCAN wants to know what will be most useful for consumers both when using the internet generally and when purchasing licenses to domain names for personal and business use.