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2015 NPP Meeting - 6 August 2015

Attendance:

Philip Argy, Andrew Christie, Gavin Collins, James Deck, Brett Fenton, David Goldstein, Jon Lawrence, Jo Lim, Joe Manariti, Anthony Peake, George Pongas, Vanessa Stanford (observer), Derek Whitehead

Teleconference:

Erhan Karabardak, Holly Raiche, Miguel Wood

Apologies:

Jeremy Blackman, Adele Flego, George Fong, Dan Hunter, Bruce Matthews, Peter Mead, Nicole Murdoch, Ned O'Meara

Actions:

- DW and JoL to revise Draft Recommendations paper based on discussion at the meeting, and circulate for approval on the Panel mailing list.
- Following approval, JoL to publish Draft Recommendations paper on the auDA website for a 6 week public consultation period.

1. Confirmation of 2 July minutes

The minutes were confirmed.

2. Draft Recommendations paper

The Panel noted that the draft recommendations represent the outcome of discussions to date, and are subject to further deliberation and refinement following the second round of consultation – ie. nothing is “set in stone” at this stage. [Back to top](#)

Direct registrations

Panel members agreed the draft recommendations and accompanying rationale in the paper. It was agreed to make clear that there is a consensus for “in principle” support for direct registrations, with a number of Panel members raising varying degrees of concern about different issues, mostly related to implementation.

Two points were discussed in further detail:

- New 2LDs: Panel members agreed that there should be a process by which names can be reserved for potential future use as a new 2LD (eg. court.au, nation.au). This should not be limited to names already on auDA's Reserved List (ie. names that are restricted under Commonwealth legislation such as “bank” and “anzac”), but people should be allowed to propose other names for reservation. There was a strong view that any reservation should be for a limited period.
- Domain monetisation: Panel members were divided on whether or not domain monetisation directly under .au should be allowed. Some Panel members felt that allowing large numbers of names to be “tied up” by domainers would undermine the purpose of making them available in the first place. Others argued that attempting to enforce a complete ban on an activity which has been part of the DNS landscape for years

would be very difficult and most likely futile. It was also suggested that banning domain monetisation would mean that if existing registrants were to be given first right of refusal, domainer registrants would be unfairly excluded from exercising their right. The Panel agreed to leave the issue open in the Draft Recommendations paper and revisit it after the public consultation.

Implementation issues to be raised in the paper include:

- first right of refusal for existing .au registrants – NB questions about how this accords with the fundamental ‘no hierarchy of rights’ principle
- WHOIS policy for direct registrations and the need to consider allowing private registrations for individuals
- no trade mark sunrise period, in line with the ‘no hierarchy of rights’ principle
- wholesale pricing and the potential to create a “premium” namespace, or a class of “premium” names
- selection of the registry operator
- need for a widespread education campaign and the associated cost implications for auDA and industry.

Other 2LD policy issues

- Domain name licence period: The Panel agreed to support the recommendation from the 2010 Panel, that the fixed 2 year domain name licence period be changed to variable 1-5 years.
- Business names registration: The Panel agreed that auDA and/or AusRegistry should make the appropriate changes to the policy and/or registry database fields to reflect the nationalised business names registration system, ensuring that there is no disadvantage to registrants.
- ‘First come, first served’ principle: The Panel discussed whether or not there is a need to do something to assist people who want to register a domain name that is currently registered to someone else, eg. by introducing an official, centralised reservation system. The majority of Panel members agreed that this is not a policy issue, noting that market-based solutions already exist to facilitate the registration of expired and deleted domain names.
- Misspellings: The Panel noted that responses to the Issues Paper were largely in favour of retaining the Prohibition on Misspellings Policy, on consumer protection grounds. Panel members also noted advice from auDA staff that the audit list provisions of the policy have become administratively burdensome, with over 2,000 names currently on the prohibited misspellings list requiring investigation whenever they are registered. Many of the names have been on the list for several years and are no longer recognisable brands within the meaning of the policy; this is particularly true of singular/plural versions of generic words. Panel members discussed whether it is auDA’s role to protect brands, especially big brands, from potential infringement. On balance it was felt that brand protection should be regarded as merely a side-benefit to what is essentially a consumer protection measure. The Panel agreed that whilst the overall policy and complaints-based mechanism should be retained, the audit provisions should be revised to give auDA more flexibility in the way it enforces the policy.

3. Public consultation process

Acknowledging that most people don’t read the full paper, it was agreed that the Draft Recommendations paper should include an executive summary that attempts to convey both the Panel’s recommendations and its key reasonings in one page.

The Draft Recommendations paper will be released for a 6 week public comment period, using the same promotional methods as last time. Respondents to the Issues Paper will be directly contacted and invited to respond again.

After discussing the pros and cons of running a parallel one-question survey about direct registrations, Panel members decided that the results would be unlikely to change their views on the issue, and therefore would not be of much value at this stage in the process. The Panel’s reporting timeframe precludes it from conducting any in-depth qualitative and quantitative market research, however it was suggested that this is something that auDA could undertake as an input to the implementation process.

4. Next meeting

The next Panel meeting will be on Thursday 8 October 2015.

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