



## **2015 Names Policy Panel Issues Paper, April 2015**

1 June 2015

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## Contact

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## Classification

Public

## Purpose

This document includes AusRegistry's submission to the 2015 Names Policy Panel Issues Paper.

## Scope

This document outlines AusRegistry's position in relation to the issues outlined in the Paper.

## Audience

General public

auDA Names Panel

auDA Board

AusRegistry

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## Cover letter

Dear Jo Lim,

Please find provided AusRegistry's response to the 2015 Names Policy Panel Issues Paper.

We thank auDA for the opportunity to respond and trust you will contact me should you require clarification or elaboration on any of the points expressed in this document.

Kind regards,

A handwritten signature in black ink, appearing to read 'Adrian Kinderis', with a large, sweeping flourish at the end.

**Adrian Kinderis**

Chief Executive Officer

AusRegistry Pty Ltd

# 1 Introduction

AusRegistry Pty Ltd is the registry operator for the open 2LDs (asn.au, com.au, id.au, net.au and org.au), the community geographic 2LDs (act.au, nsw.au, nt.au, qld.au, sa.au, tas.au, vic.au and wa.au) and 2 closed 2LDs (edu.au and gov.au).

Appointed the 2LD registry operator by way of open tender processes held in 2001 and 2005, and subsequent licence extensions in 2009 and 2013, our technical function affords the ability to deliver unique and valuable industry perspective to the 2015 Names Policy Panel.

Firstly, AusRegistry would like to take this opportunity to express our appreciation for the opportunity to contribute to the current 2015 Policy Names Panel, both through the submission of this Issues Paper response and as an appointed panel participant as represented by George Pongas, General Manager Naming Services Division.

Importantly, we respect, support and value the auDA policy review process and believe the consultative groups assembled truly help develop policies and practices that are appropriate for the Australian marketplace, responsive to user needs and contribute to the ongoing success of the .au namespace. This has certainly been demonstrated throughout the time since auDA commenced operating as the policy authority and industry self-regulatory body for the .au namespace.

Finally, we want to emphasise that although this submission reflects our position as it relates to the questions raised in the Issues Paper, regardless of the outcome AusRegistry will respect the 2015 Names Panel's final recommendation and ultimately the auDA Board's final position about what changes (if any) should be made to the policy framework. We stand ready to technically support the .au namespace in any and all capacities.

## 2 Issues under the 2015 Names Policy Panel's Terms of Reference

### 2.1 Issue 1

#### Direct registrations under .au – Should .au be opened up to direct registrations (e.g. domainname.au)? If yes, should there be any policy rules, and if so what rules?

AusRegistry supports the opening of the .au namespace to direct registrations. We take the position that ability to directly register domains at the second level is an expected conclusion to the evolution of the .au namespace.

It is not a matter of if it will happen, but instead a matter of whether the market is ready to make this change now. As such any delay is merely delaying the inevitable and any implementation issues are only exacerbated by an increase in the size of the namespace over time.

#### 2.1.1 Do new gTLDs pose a threat to the “.au brand”?

With the advent of a new global Internet framework heralding the introduction of approximately 1,400 new Top Level Domains, now is the optimal time for .au to make the final transition.

The relevance of the 5 open level zones has diminished in the Australian marketplace. Originally, com.au was a derivative of the .com gTLD, which was short for the term “commercial”<sup>1</sup>. This has long past and no longer carries the same relevance in a global domain name marketplace. It is now a catch all for businesses, individuals and non-profits from all countries across world. It has created a global precedent, and therefore Australians potentially view com.au the same way.

Similarly, the net.au open second level was a derivative of the .net gTLD, which originally was short for the term “network”<sup>2</sup>. Once again, this is no longer a consideration in practice and this is mirrored in .au. Effectively net.au is simply a secondary namespace as a further option behind com.au.

Given this, the previous structure of third level registrations is increasingly redundant for new registrants.

In addition to this, over the next 5-years the way users navigate and access the Internet will be transformed by new Top Level Domains and registrants will have unprecedented access to options related to industry verticals, geographic locations and generic words.

By way of example:

- [.build](#) – for the construction and building industry
- [.menu](#) and [.kitchen](#) – for the food industry

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<sup>1</sup> <http://tools.ietf.org/html/rfc920#page-2>

<sup>2</sup> <http://en.wikipedia.org/wiki/.net>

- [.ngo](#) and [.ong](#) – for non-governmental organisations
- [.education](#), [.study](#) and [.courses](#) – for the education sector
- [.melbourne](#) and [.sydney](#) – for Australians in Victoria and New South Wales respectively
- [.guru](#) and [.xyz](#) – generic extensions for anyone

The .au zone currently provides a connection to place by way of the geographic indicator ‘au’, a perception of trust built upon the policy framework auDA established and maintains, and reliance for integrity supported by the continued operational stability and security delivered by AusRegistry as the appointed registry operator since 2002.

Opening .au to direct registrations will augment the well-earned position the namespace holds as Australia’s primary domain extension of choice and trust. Importantly it will ensure .au maintains market relevance for all Australian Internet users and stakeholders now and well into the future.

Ultimately the utility of the namespace is paramount and will maintain market interest. Fewer keystrokes in a “mobile world” certainly is one driver for evolution. The .au brand will be adversely impacted by not implementing direct registrations, particularly as relevance becomes diluted by further innovation at the top level by the new gTLD options and the new domain business models they introduce and deliver to consumers.

### 2.1.2 Is there evidence of any market demand for direct registrations?

Whilst market data demand for direct registrations may be somewhat anecdotal for .au, ccTLDs such as .nz and .uk introduced direct registrations and used various methods of consultation to gauge market demand. The .nz Domain Name Commission conducted a public opinion survey in 2011, which found a strong preference for being able to register at the second level (sentiment that grew from 25% in 2003 to 60% in 2011). [http://dnc.org.nz/content/Second\\_Level\\_Consultation\\_Paper.html](http://dnc.org.nz/content/Second_Level_Consultation_Paper.html)

Nominet’s 2012 ‘Direct.uk’ consultation paper reported mixed views with respects to market demand however many registrars stated “that there would be a high level of interest in direct.uk based on their own interaction with registrants.”

<http://www.nominet.org.uk/sites/default/files/SummaryofdirectukFeedback.pdf>

At this juncture it may be prudent for the Names Policy Panel to look to .au registrars for evidence as to market demand for direct registrations. Registrars may wish to share registration data for example, failed registrations due to eligibility requirements or direct requests to register a second level domain name.

We would also urge the Names Policy Panel to consider requesting a technical analysis of DNS traffic data in .au and conduct a targeted survey aimed at the Australian Internet Community and Internet stakeholders that speaks directly to market appetite for second level domain names.

Similar to the .au surveys conducted annually by AusRegistry and auDA, a 3 – 5 question survey hosted on an extensive network of general and targeted Australian websites should provide a strong indication of consumer sentiment.

In conclusion to our response to this question, it is important to reflect upon the relevance of demand against the context of innovation.



Henry Ford is famously quoted as saying – “If I had asked people what they wanted, they would have said faster horses.”

A more pertinent example of innovation outweighing demand as a catalyst for change was the introduction of the Community Geographic Domain Names (CGDNs) within the Australian state and territory second level domains (2LDs): act.au, qld.au, nsw.au, nt.au, sa.au, tas.au, vic.au, wa.au.

The creation CGDNs was an innovation that auDA introduced to help preserve Australian geographic names for use by the relevant local community. The aim was to provide an intuitive, standardised naming system to enable better access to local community, tourism and business information and to facilitate social and economic benefits to Australian communities. After more than a decade, there are only 224 names currently under management, however demand does not reflect the value that auDA holds for this innovation.

### 2.1.3 What types of registrants/users would benefit from direct registrations?

From a technical perspective, the process to open .au direct registrations is a straightforward process. The Names Panel is charged with the responsibility to assess whether the .au marketplace will benefit from the innovative opportunities opening .au direct registrations will generate. AusRegistry believes end users will benefit and supports the formation of an Industry Working Group to determine the policy framework that will maximise the opportunity, protect existing stakeholders and educate the market. It is challenging to accurately address this question and assess and present any benefits without the context of first establishing and identifying the policy framework to support the release and management of direct registrations.

AusRegistry believes all registrants and users will benefit from direct registrations for many reasons; such as, increased availability of domain label options, shorter more intuitive and memorable naming convention, and reduction of the potential for international confusion possibly impacting online trade. AusRegistry considers the change will most notably benefit individuals and non-commercial entities seeking to identify as online Australians.

Although the id.au zone was created for individuals who were unable to register com.au domains for corporate purposes or as a non-commercial organization, the poor product adoption likely reflects a position that this market segment does not see value in the zone and is thereby compelled to source alternate domain name extensions outside of the .au namespace.

In a recent web-crawl of .au websites, [Dataprovider](#) – a company that indexes the web and structures its data – revealed that of the nearly 1.5 million Australian websites available 87% were com.au and 9.2% were net.au and only 0.4% were id.au websites.

Of the nearly 3-million .au domain names under management by AusRegistry, only 13,207 (0.4%) are registered under id.au. These statistics suggest that although com.au resonates with Australian businesses, the low volume of id.au domain registrations may indicate a poor market fit leading to low demand.

Total .au Domains Under Management (TDUM)		%
TDUM	2,971,131	
com.au	2,548,750	85.8%
net.au	321,425	10.8%
id.au	13,207	0.4%

## 2.1.4 What policy rules should apply to direct registrations?

There are a number of policy rule scenarios that could be supported and applicable to direct registrations directly at the second level. The answer to this question is dependent upon the outcome of the second issue raised by the 2015 Names Panel Issues paper, i.e. *'Should the eligibility and allocation policy rules for asn.au, com.au, id.au, net.au and org.au be changed?'*

If there are no changes to the existing 2LD policy rules to relax eligibility requirements for com.au and net.au, AusRegistry holds the position that direct registrations at the second level should be made accessible to all Australian entities. This includes access for all commercial, non-commercial, government and organisation types registered in Australia, as well as all Australian citizens and permanent residents.

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

Discourse and decisions related to implementation and solutions are operational matters and fall outside of the scope of the 2015 Names Policy Panel Terms of Reference.

AusRegistry supports the establishment of an industry working group to address possible issues that may need to be taken into account as part of the implementation process, such as:

- Education and awareness programs
- Allocation and grandfathering considerations for existing .au registrants
- The Go to Market strategy and launch phase processes
- Name collisions and resolutions related to claims and allocations
- Impact to the current Registry Licence Agreement and term
- Wholesale pricing, eligibility requirements and allocation policy rules

## 2.1.6 Should .au follow the example of other ccTLDs like .uk and .nz?

The decision to open the .au namespace should be considered against market readiness and current fit for Australians, and not just on the basis others such as the United Kingdom and New Zealand decided to transition their namespaces. However, it is important to take consideration of the lessons learned and market forces that propelled other ccTLDs towards making this final evolutionary step.

The prospect of opening .au to direct registrations has been considered by a number of panels over 15 years. At each juncture the market was assessed and feedback sought. This type of due consideration is again being afforded to the .au Internet community who will no doubt provide a relevant and accurate picture of market readiness.

AusRegistry trusts the Names Policy Panel to appropriately determine whether .au is open to direct registrations and to ensure the .au namespace remains relevant and accessible to all Australians.

## 2.2 Issue 2

### 2LD eligibility and allocation policy rules – 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?

AusRegistry supports change to the eligibility and allocation policy rules for asn.au, com.au, id.au, net.au and org.au of the .au namespace to allow for direct registrations.

When the .au ccTLD was first established in March 1986, and the .au delegation was originally assigned by Jon Postel, operator of the Internet Assigned Numbers Authority (IANA), to Robert Elz of the University of Melbourne the formation of the .au namespace was mirrored on that of existing gTLD extensions, namely .com, .net, .org, .gov and .edu. Elz also added two Australian domain extension options, asn.au and id.au.

This model provided an early framework for .au, however it was Elz who also determined that each 2LD would hold a particular purpose – this was quite a common practice for ccTLDs at the time. The framework from which .au has evolved is therefore a legacy from an earlier time and should not be considered a permanent construct.

When auDA became the recognised operator of the .au ccTLD in October of 2001 and the new regime went live in July of 2002 a system of policy review were implemented whereby public and stakeholder consultation was sought. Over the years a number of significant changes have been introduced into .au by way of policy deregulation.

The most impactful of those changes are listed below:

Year	Policy	Impact
2002	Abolition of the one domain name per entity restriction, and introduction of the “close and substantial connection” rule in the Domain Name Eligibility and Allocation Policy Rules for the open 2LDs.	Allowed prospective registrants to register multiple domain names for a variety of purposes.
2002	Removal of the prohibition on generic domain names in com.au, such as shopping.com.au and flowers.com.au.	Significantly increased registration numbers.
2005	Removal of the prohibition on geographic domain names in com.au and net.au.	Increased registration numbers.
2006	Release of new 2LDs in .au for each state and territory (wa.au, vic.au, nsw.au, nt.au, sa.au, qld.au, tas.au, act.au).	Gave community groups access to geographic domain names.
2006	Domain monetisation clarification of the “close and substantial connection” rule. Incorporated into the Domain Name Eligibility and Allocation Policy Rules for the open 2LDS in December 2012.	Allowed those participating in domain name monetisation to enter the .au market.
2008	Relaxation of the Transfers (Change of Registrant) Policy (2008-08). Updated in November 2011.	Allowed the secondary market selling of .au domain names.

The significant changes seen in .au reflect the dynamic nature of the domain name industry and how auDA have responded to consumer and stakeholder demand over time.

## 2.2.1 Should the domain name licence period remain fixed at two years?

AusRegistry maintains the same position stated in the 2010 Names Policy Panel Issues Paper submission, and again proposes the existing 2-year minimum period is kept, and supplemented with further 3, 4, and 5-year domain registration option periods.

It makes sense to align licence terms for the .au zone with international standards – now further reinforced through the introduction of new Top Level Domains. To ensure eligibility integrity is maintained, regular registry audits and regulatory review mechanisms can be adopted to keep registrant data current and accurate.

## 2.2.2 Should the principles of ‘first come, first served’ and ‘no hierarchy of rights’ be retained?

AusRegistry recommends the principles of ‘first come, first served’ and ‘no hierarchy of rights’ should be retained.

## 2.2.3 Should the current 2LD eligibility criteria (i.e. restricting com.au/net.au to commercial entities, org.au/asn.au to not-for-profit entities, id.au to individuals) be modified?

AusRegistry supports the deregulation of the 2LD eligibility criteria. Whilst the opportunity for all Australians to register in .au is available under the current eligibility criteria, registration statistics suggest com.au (which comprises 86% of total domains under management) is by far the primary choice for Australian registrants.

Of the nearly 3-million .au domain names under management by AusRegistry, only 13,207 (0.4%) are registered under id.au. These statistics suggest that although com.au resonates with Australian businesses, the low volume of id.au domain registrations reflects a poor market fit related to personal use that is leading to low demand.

Total .au Domains Under Management (TDUM)		%
TDUM	2,971,131	
com.au	2,548,750	85.8%
net.au	321,425	10.8%
id.au	13,207	0.4%

The following tables represent the breakdown Australian websites indexed by Dataprovider:

Dataprovider – indexed Australian websites		%
Indexed Australian websites	1,477,397	
Indexed Australian websites – .au	1,300,629	88%
Indexed Australian websites – .com	152,019	10%
Indexed Australian websites – other	24,765	2%

The data indicates 12% of Australian websites are hosted on extensions other than .au.

Dataprovider – indexed Australian .au websites		%
Indexed Australian websites – .au	1,300,629	
Indexed Australian websites – com.au	1,136,554	87.4%
Indexed Australian websites – net.au	120,185	9.2%
Indexed Australian websites – id.au	4,948	0.4%

Whilst the statistics support a position that com.au and net.au domains dominate the Australian online landscape for both names under management and for resolving website services, they also highlight the small number of id.au registrations and small proportion of id.au websites currently available.

One inference the data may suggest is that barriers to entry caused by the existing commercial registration eligibility requirements for the popular com.au and net.au 2LDs are pushing prospective Australian individuals to other extensions.

To move towards a more equitable environment, consideration should be given to the additional option of local presence eligibility requirement for the more popular com.au and net.au 2LDs.

## 2.2.4 Is the ‘close and substantial connection’ rule desirable?

AusRegistry supports the purpose of the close and substantial connection rule, in that it allows flexibility for registrants who do not want to license a domain name that is directly related to their name (or cannot do so, because the domain name has already been licensed by another registrant with the same or similar name).

## 2.2.5 What changes are required to address the new practice regarding business name registrations?

AusRegistry supports updating .au extensions (Registrant Name, Registrant ID, and Eligibility type) for domain name records to better align the application of the [Domain Name Eligibility and Allocation Policy Rules for the Open 2LDs](#) against ASIC business name registrations.

## 2.3 Issue 3

**Other 2LD policy rules – Should the policy rules relating to the reserved list and misspellings be changed? If yes, what changes should be made?**

### 2.3.1 Policy rules relating to the reserved list and misspellings

AusRegistry recommends no changes to the current reserved list and misspellings policy rules. Based on the low volumes of complaints the evidence suggests that the established process works.

### 2.3.2 General .au policy

**The Panel invites comments on any other aspects of .au policy relevant to its Terms of Reference, which have not been raised in this paper**

AusRegistry forwards recommendation to reconsider WHOIS Privacy, WHOIS Search and a Zone File Access Program within the Terms of Reference and .au policy.

The recommendations below are taken directly from AusRegistry's response to the WHOIS Policy Review – November 2013. The complete submission is located here:

<http://www.ada.org.au/assets/whois-13/ausregistrywhois.pdf>

#### 2.3.2.1 WHOIS Privacy

AusRegistry supports the introduction of 'Privacy Services' for registrants who want to protect their privacy and do not wish to disclose their WHOIS data. Examples of such instances may range from sole traders operating businesses from home addresses, to large multinational corporations engaged in company acquisitions or marketing activities where anonymity and confidentiality is critical.

Should a Privacy Service be introduced AusRegistry recommends it is implemented at the registry level in order to protect the integrity of the .au database. Removal of .au extension data and contact data requires a systematic approach in order to maintain a centralised repository of consistent information.

Maintaining a consistent data set allows auDA and other authorised parties to conduct prompt and reliable queries. A registry level implementation minimises the impact to registrar businesses and limits the need for costly software changes. Furthermore, it ensures a standardised service across all domain names, thereby avoiding confusion in the marketplace.

AusRegistry proposes building a WHOIS Privacy Service into the registry software compliant to all auDA policy and security standards. The .au extensions (Registrant Name, Registrant ID, and Eligibility type), and all the Contacts (Registrant, Administrative, Technical, and Billing) will be removed from the public WHOIS Record.

### 2.3.2.2 WHOIS Search

AusRegistry supports the concept of data openness with the qualification that it is done so under the guidance and direction of auDA, involving the development of clearly defined policies to address use and misuse and in compliance with the law.

The introduction of a WHOIS Search service with tiered levels of access may address the issue of regulated data access. For example:

- **Basic WHOIS Search:** a service for registrants who wish to look up all the domain names they hold, addresses an ongoing issue for registrants, resellers and the registrars who support their enquiries.
- **Advanced WHOIS Search:** a service to address more complex information queries and requests. Available only to authorised parties requiring access to contact information not displayed in WHOIS, bulk searching capabilities, or querying large data sets that require high processing resource allocation.
- **Custom WHOIS Search and Analysis:** a custom service designed specifically to meet the requirements of the requestor. It may include the inclusion of additional data sources, and data analysis of the results.

### 2.3.2.3 Zone File Access Program

The .au Zone File contains the complete list of active .au domain names in the DNS and the accompanying IP Addresses (of the domain's name servers).

There are many organisations with legitimate reasons for accessing the .au Zone File information including law enforcement agencies, IP lawyers, academics, research bodies and search engine entities.

Zone File access is common in most gTLD namespaces with access granted only to those who enter into Zone File Access Agreements. These agreements outline strict controls in order to prevent malicious behaviour and also address the conditions of use etc. Once again a fee structure is suggested for the service, be it for once off or continuous access, to address implementation and facilitation costs as well as to mitigate potential abuse. Furthermore, access may require authorisation from auDA and include strict use and disclosure policies.

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