

30 September 2015

Ms Jo Lim  
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auDA  
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Dear Jo

**2015 NAMES POLICY PANEL**

**Review of some of the main policies underlying the allocation and use of domain names in the .au domain space**

I am writing in response to the Draft Recommendations released by the 2015 Names Policy Panel. Please find attached eDAC's response to the Draft Recommendations.

eDAC notes that the edu.au domain is specifically excluded from the Panel's Terms of Reference, but is conscious that there are possible flow on effects from the issues being considered which could impact upon the edu.au domain's stakeholders and Registrants.

If you have any queries in relation to this submission, please do not hesitate to contact me.

Yours sincerely,



Nick McShane  
**Executive Officer**  
**edu.au Domain Administration Committee**

## eDAC Response to 2015 Names Policy Panel Review

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The 2015 Names Policy Panel is undertaking a review of the policy framework underlying the allocation and use of domain names in the .au domain space.

The Panel has now released its draft recommendations, and invites further submissions or comments.

The edu.au is a closed second level domain (2LD) operating within the .au top level domain for the benefit of the Australian education and training sector. The edu.au domain has over 15 500 registrants, has only a single registrar and operates on a not-for-profit, full cost recovery basis.

The edu.au Domain Administration Committee (eDAC) is responsible to auDA for managing and maintaining the policy framework of the edu.au domain. eDAC is a specialist committee which comprises representatives from the key sub-sectors of the education and training sector.

eDAC previously made a submission to the Issues Paper released by the 2015 Names Policy Panel.

eDAC's response to each draft recommendation is set out below.

### **1 Draft Recommendation 1A: *The Panel recommends in principle that .au should be opened up to direct registrations***

eDAC remains concerned that opening up .au to direct registration could result in the granting of direct domain names that undermine the sustainability of the edu.au closed 2LD.

eDAC notes the Panel's view that

*'the existing allocation rules applying to open 2LDs should also apply to direct registrations':*

- *exact match, abbreviation or acronym of the registrant's name or trade mark;*  
*or*
- *close and substantial connection between the registrant and the domain name.*

As outlined in eDAC's response to the Issues Paper, eDAC would object to the granting of any direct registration that involved the use of generic words relating to education and training, such as 'education', 'pre-schools', 'colleges', 'RTO' and 'training'. The establishment of such direct registrations in a domain space that did not have the tight eligibility and allocation rules applied in the edu.au domain is likely to pose a competitive threat to the edu.au domain and ultimately undermine its long term sustainability particularly if they are used as a vehicle for fraudulent or sharp business practices that adversely reflect on the education and training sector.

Current edu.au domain name allocation policy (Schedule 2 to the *edu.au Registration Policy*), prohibits the registration of domain names that are:

*Generic education and training words (e.g. school; elearning; workskills; TAFE; business, science; training) or combinations of generic education and training words. This includes instances where:*

- *generic education and training course names are proposed as the basis for a domain name; or*
- *types of education and training are proposed as the basis for a domain name.*

eDAC proposes that policy for .au direct registration prohibit the registration of domain names that involve generic education and training words. The policy should include a list of generic education and training words covered, but with a mechanism for eDAC to advise auDA of other generic words that should be added to this list. The initial list would include words such as:

- School;
- TAFE;
- Education;
- RTO;
- Training; and
- Colleges.

## 1.1 Issues for further consideration

eDAC makes the following comments on the issues for further consideration raised in the Draft Recommendations

### New 2LDs within .au

eDAC has no comments to make on this issue.

### Potential de facto 2LDs

eDAC agrees that it is important for the policy rules for the .au domain to be drafted to prevent registrants from using direct registration as a de facto 2LD.

eDAC would encourage the Panel to have reference to the *edu.au Unauthorised Registries Policy*. The Policy is available on the [domainname.edu.au website](http://domainname.edu.au).

This policy is the result of eDAC's experience in addressing unauthorised registries (as described in the eDAC response to the Issues Paper).

eDAC considers that it is important for auDA to ensure the relevant policy has strong enforcement mechanisms in place to address unauthorised registries. These mechanisms could include the rapid de-registration or suspension of direct registrations that are used as unofficial registries.

### Bad faith registrations

eDAC shares the Panel's concern that '*direct registrations may be used to spoof well-known names, especially gov.au names*'. This is a concern for the edu.au domain where there are many well-known names, including domain names for well-known universities, as well as government websites such as [myschool.edu.au](http://myschool.edu.au) and [myfuture.edu.au](http://myfuture.edu.au).

There have been examples of this practice occurring to edu.au domain names in the generic top level domain (gTLD) .education. In 2014, one domain reseller registered over 40 .education domain names, including [rmit.education](http://rmit.education), [jcu.education](http://jcu.education) and [deakin.education](http://deakin.education).

RMIT University sought to have the domain name suspended through a Uniform Rapid Suspension (URS) proceeding. The complaint was unsuccessful after the Arbitrator determined that RMIT had failed to submit clear and convincing evidence that the reseller had no legitimate right or interest to the domain name. A record of that decision is available [here](#). While these domain names have since lapsed, the reseller continues to hold the domain name latrobe.education.

Accordingly, eDAC agrees that special enforcement measures may be required to address this risk, as well as more pro-active monitoring and reporting by registrars and resellers.

#### Domain monetisation

In eDAC's view, it is not appropriate for domain monetisation to be carried over to direct .au registration.

Allowing domain names to be monetised would undermine the purpose of the allocation rules, by allowing registrants to register names directly under .au to which they do not have a close and substantial connection.

This could include domain names which closely resemble the names of education and training providers who currently hold edu.au domain name registrations.

## **2 Draft Recommendation 1B: *The Panel recommends that the same policy rules which currently apply in the existing 2LDs should also apply to direct registrations:***

eDAC supports this recommendation, subject to the addition of a prohibition on the registration of generic education and training terms. It is also noted that this may be subject to special enforcement measures to address bad faith registrations and unauthorised registries.

## **3 Draft Recommendation 2A: *Subject to draft recommendations 2B and 2C below, the Panel recommends that the eligibility and allocation criteria for open 2LDs be retained in their current form.***

eDAC supports this recommendation.

## **4 Draft Recommendation 2B: *The Panel recommends that the fixed two year licence period be changed to a variable 1-5 year period (ie. registrants could choose to register their domain name for 1, 2, 3, 4 or 5 years).***

eDAC does not support this recommendation. As outlined in eDAC's submission to the Issues paper, eDAC is concerned that it will create pressure for the extension of this policy to the edu.au domain in order to ensure clients are attracted to and/or retained in the domain.

If the policy was extended to the edu.au domain, there is potential for the following adverse consequences:

- Longer licence periods (4 - 5 years) increase the possibility of registrant contact details becoming inaccurate, thereby degrading the value of the data held by the .edu.au Registrar, and by consequence, auDA's WHOIS service.
- Longer licence periods also increase the possibility of a registrant's eligibility details becoming inaccurate. At present registrants are required to confirm eligibility by written warranties at the end of each 2 year licence period. A longer licence term would mean less frequent confirmation of eligibility status. This could result in a larger number of domain name licence holders holding edu.au domain name licences for which they are not eligible, harming the reputation of the edu.au domain.
- Variable licence periods would make it more difficult to determine the appropriate level of the financial reserve and estimate domain revenue and costs based on the financial year.
- Increased administrative costs, which would lead to a rise in the .edu.au domain name licence fee (although the Registrar advises that there could be some cost saving if larger account holders opt for longer renewal periods). Administrative costs could be increased due to:
  - increased administrative workload caused by shorter licence periods (1 year); and
  - increased administrative and compliance workload caused by the need to monitor contact details and eligibility status in order to maintain accuracy over longer licence periods (4 – 5 years).

As the domain operates on a not-for-profit basis with a moderately sized client base, it is important for the domain's on-going viability to keep the domain name licence fee as low as possible. Accordingly, all other things being equal, increases in the administrative costs for the domain Registrar can adversely impinge on the domain's long term viability.

## **5 Draft Recommendation 2C: *The Panel recommends 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.***

eDAC supports this recommendation.

## **6 Draft Recommendation 3A: *The Panel recommends that the Reserved List Policy be retained in its current form.***

eDAC is satisfied with the current scope of the auDA Reserved List, which is referenced in the *edu.au Registration Policy*. Accordingly eDAC supports this recommendation.

**7 Draft Recommendation 3B: *The Panel recommends that the Prohibition on Misspellings Policy be retained, but that auDA should revise the audit list provisions to provide more flexibility in the way the policy is enforced.***

eDAC supports this recommendation.