

auDA seeks public comment on allowing domain name registrations directly under Domain names '.au'

Australia - Hogan Lovells LLP

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In a move that reflects a growing trend towards opening up new internet real estate in a booming market, a Names Policy Panel was recently constituted by the Australian domain name registry, [auDA](#), and has released a first [Issues Paper](#) considering and seeking public comment on the idea of allowing domain name registrations directly under the second-level '.au' TLD. Currently, only second-level extensions, such as '.com.au' and '.net.au', are available in the Australian domain name space.

The Names Policy Panel was established by auDA in December 2014 to deliberate on the question of allowing second-level registrations and it will be required to undertake at least two rounds of public consultation before providing its final report to the auDA Board at the end of this year. The Issues Paper released by auDA cites other ccTLD registries that have opened up their second-level to registrations over the years, like Canada ('.ca'), France ('.fr'), China ('.cn') and Japan ('.jp'). It goes on to state, however, that although the question has been considered (and rejected) by past panels, the time is ripe now to seriously reconsider it for two reasons.

The first reason is that two similar jurisdictions - the United Kingdom ('.uk') and New Zealand ('.nz') - both opened up their second-level spaces to registrations in 2014 after carrying out policy reviews and extensive public consultations. However, the paper notes that "merely taking an 'everyone else is doing it so why don't we?' approach without properly evaluating the benefits and risks of change would not be a responsible way forward".

The second reason is the recent arrival of more than 500 new gTLDs, with more to follow. This has created unprecedented competition and the paper notes a fall in the annual growth rate in '.au' domain name registrations from 12% at the end of 2012 to 6% at the end of 2014 as possible evidence of such competition. Whilst the paper acknowledges that take up of some of the most relevant new gTLDs, such as '.sydney' and '.melbourne', has been slow, it goes on to speculate that "as Australian internet users gain a better understanding of the DNS and become used to seeing many different types of domain name, they may be more receptive to - and demanding of - changes in the '.au' domain".

The paper even goes on to propose that, due to the confusion regarding the different rules and requirements across the currently available second-level TLDs (eg. '.com.au', '.net.au' and '.id.au'), the simplest option might be "to move the whole system to direct registration at the second level". This would certainly be quite a radical move and the paper acknowledges that most other registries making similar changes have not gone this far.

One of the most persuasive arguments put forward by the paper for opening up the '.au' space is that, although registered commercial entities and non-profit groups have been well served by the '.com.au' and '.org.au' extensions reserved for them, individuals have by and large been underwhelmed by the '.id.au' extension meant for them. It is thought that they could be enticed to reconsider registering a home-grown domain name if '.au' were to be made available to them.

The second part of the paper goes on to discuss whether the rules relating to the current second-level extensions should be changed or liberalised. What is not up for discussion at any point in the paper is the principle that '.au' domain names should be available to Australians only (or those licensed to trade in Australia). This, it states, is one of the "fundamental elements" of the Australian domain name space and one that any changes "should seek to preserve and even enhance". So, it seems that the registry will not be opening up to foreign registrants any time soon.

The paper is open for public comment until June 1 2015, either in writing or via an [online survey](#).

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