THE AUSTRALIAN **DOMAIN NAME** ADMINISTRATOR

Domain Name Eligibility and Allocation Policy Rules for the Open 2LDs (2008-05)

PDF version

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1. BACKGROUND

1.1 This document sets out the policy rules that govern the granting of domain name licences in the open second level domains (2LDs) in the .au domain.

1.2 The policy rules are based on the existing Domain Name Eligibility and Allocation Policy Rules for Open Second Level Domains (2LDs) (2005-01) and include the final recommendations of auDA's 2007 Names Policy Panel. The Panel's final report was approved by the auDA Board on 10 December 2007.

1.3 The policy rules set out in this document do not have retrospective effect. Domain name licences that were granted before implementation of this policy will be 'grandfathered' and the registrant will be entitled to renew the licence provided that there has been no change in the registrant's circumstances that affects their eligibility to hold the domain name licence. For example, if the registrant of a com.au domain name no longer holds the registered business name that they used as a basis for licensing the domain name in the first place.

2. DOMAIN NAME LICENCES

2.1 There are no proprietary rights in the domain name system (DNS). A registrant does not "own" a domain name. Instead, the registrant holds a licence to use a domain name, for a specified period of time and under certain terms and conditions.

2.2 The terms and conditions of a domain name licence are set out in:

a) this document;

b) the registration application and subsequent agreement between a registrant and registrar; and

c) any other of auDA's Published Policies that are applicable.

2.3 There is no hierarchy of rights in the DNS. For example, a registered trade mark does not confer any better entitlement to a domain name than a registered business name. Domain name licences are allocated on a 'first come, first served' basis. Provided the relevant eligibility rules are satisfied, the first registrant to apply for a particular domain name will be permitted to license it.

3. STRUCTURE OF .AU DOMAIN

3.1 The .au domain is sub-divided into a number of 2LDs (for example, com.au, edu.au, id.au). All .au domain names are registered as third level domains (3LDs). It is not possible to register domain names as 2LDs directly under .au.

3.2 Each 2LD has a purpose. For example, com.au is for commercial entities, gov.au is for government bodies and org.au is for non-commercial organisations. The purpose of each 2LD dictates the eligibility and allocation rules applicable in that 2LD.

3.3 The 2LDs are divided into 2 categories:

a) "open 2LDs" – those 2LDs that are basically open to all users, subject to some eligibility criteria; and

b) "closed 2LDs" – those 2LDs with a defined community of interest that are closed to the general public.

3.4 Schedule A of this document sets out the eligibility and allocation rules that apply to all open 2LDs. Schedules B-F of this document set out the eligibility and allocation rules that apply to each open 2LD.

3.5 The eligibility and allocation rules that apply to closed 2LDs are determined by the relevant 2LD Manager and approved by auDA.

4. APPLICATION OF POLICY RULES

4.1 It is the responsibility of auDA to preserve the integrity of the .au domain by ensuring that the policy rules are applied correctly and enforced as necessary. auDA reserves the right to revoke any domain name licence that has been granted, or subsequently held, in breach of the relevant policy rules.

4.2 It is the responsibility of all auDA accredited registrars, in accordance with the Registrar Agreement, to apply the policy rules set out in this document. Each domain name application must be checked for compliance with the relevant policy rules by the registrar before it is submitted to the registry for inclusion in the registry database. auDA has published guidelines for registrars to assist them in interpreting the policy rules outlined in this document.

4.3 It is the responsibility of all registrants, in accordance with their registration application and subsequent

agreement, to ensure that they satisfy the policy rules set out in this document when submitting an application to register or renew a domain name in any of the open 2LDs. To that end, a registrant is required to warrant to the registrar that they satisfy the rules.

5. BREACHES OF POLICY

5.1 Where a registrant has made a false warranty to the registrar, or otherwise acted in bad faith in order to obtain the domain name licence, auDA reserves the right to revoke the domain name licence.

5.2 Where auDA becomes aware that a registrar has approved a domain name application through misinterpretation of the relevant policy rules, auDA may issue a policy clarification to assist registrars in the interpretation of the policy rules. Under the terms and conditions of the Registrar Agreement, auDA reserves the right to take action against a registrar where it has reasonable grounds to believe that the registrar has acted negligently or recklessly in approving a domain name application in breach of the relevant policy rules.

6. REVIEW OF POLICY

6.1 From time to time, auDA may update this document for the purposes of clarification or correction (for example, if governments introduce a new type of business or other official identifier).

6.2 auDA will not make any major changes to this document without conducting an Advisory Panel process, as described in auDA's Constitution (available on auDA's website at http://www.auda.org.au).

SCHEDULE A

ELIGIBILITY AND ALLOCATION RULES FOR ALL OPEN 2LDS

First come, first served
1. Domain name licences are allocated on a 'first come, first served' basis. It is not possible to pre-register or otherwise reserve a domain name.

Registrants must be Australian
2. Domain name licences may only be allocated to a registrant who is Australian, as defined under the eligibility and allocation rules for each 2LD.

Composition of domain names
3. Domain names must:
a) be at least 2 characters long;
b) contain only letters (a-z), numbers (0-9) and hyphens (-), or a combination of these;
c) start and end with a number or a letter, not a hyphen; and
d) not contain hyphens in the third and fourth position (eg. ab--cd.com.au).

Domain name licence renewal period
4. The domain name licence period is fixed at 2 years. It is not possible to license a domain name for a shorter or longer period.

5. Renewal of a domain name licence at the end of the 2 year period is dependent on the registrant continuing to meet the eligibility and allocation rules for the relevant 2LD.

Number of domain names
6. There is no restriction on the number of domain names that may be licensed by a registrant.

auDA's Reserved List
7. auDA's Reserved List contains names that may not be licensed. The list is available on auDA's website at http://www.auda.org.au.

Prohibition on registering domain names for sole purpose of resale
8. A registrant may not register a domain name for the sole purpose of resale or transfer to another entity.

SCHEDULE B

ELIGIBILITY AND ALLOCATION RULES FOR ASN.AU

The asn.au 2LD is for non-commercial organisations.

The following rules are to be read in conjunction with the Eligibility and Allocation Rules for All Open 2LDs, contained in Schedule A of this document.

1. To be eligible for a domain name in the asn.au 2LD, registrants must be:
a) an association incorporated in any Australian State or Territory; or
b) a political party registered with the Australian Electoral Commission; or
c) a trade union or other organisation registered under the Workplace Relations Act 1996; or
d) a sporting or special interest club operating in Australia; or
e) a charity operating in Australia, as defined in the registrant's constitution or other documents of incorporation; or
f) a non-profit organisation operating in Australia, as defined in the registrant's constitution or other documents of incorporation.

2. Domain names in the asn.au 2LD must be:

a) an exact match, abbreviation or acronym of the registrant's name; or

b) otherwise closely and substantially connected to the registrant.

SCHEDULE C

ELIGIBILITY AND ALLOCATION RULES FOR COM.AU

The com.au 2LD is for commercial purposes.

The following rules are to be read in conjunction with the Eligibility and Allocation Rules for All Open 2LDs, contained in Schedule A of this document.

1. To be eligible for a domain name in the com.au 2LD, registrants must be:
a) an Australian registered company; or
b) trading under a registered business name in any Australian State or Territory; or
c) an Australian partnership or sole trader; or
d) a foreign company licensed to trade in Australia; or
e) an owner of an Australian Registered Trade Mark; or
f) an applicant for an Australian Registered Trade Mark; or
g) an association incorporated in any Australian State or Territory; or
h) an Australian commercial statutory body.

2. Domain names in the com.au 2LD must be:
a) an exact match, abbreviation or acronym of the registrant's name or trademark; or
b) otherwise closely and substantially connected to the registrant.

SCHEDULE D

ELIGIBILITY AND ALLOCATION RULES FOR ID.AU

The id.au 2LD is for individuals.

The following rules are to be read in conjunction with the Eligibility and Allocation Rules for All Open 2LDs, contained in Schedule A of this document.

1. To be eligible for a domain name in the id.au 2LD, registrants must be:
a) an Australian citizen; or
b) an Australian resident.

2. Domain names in the id.au 2LD must be:
a) an exact match, abbreviation or acronym of the registrant's personal name; or
b) otherwise closely and substantially connected to the registrant, because the domain name:

(i) includes, or is derived from, one or more words of the registrant's   personal name; or
(ii) is a name by which the registrant is commonly known (ie. a nickname).

SCHEDULE E

ELIGIBILITY AND ALLOCATION RULES FOR NET.AU

The net.au 2LD is for commercial purposes.

The following rules are to be read in conjunction with the Eligibility and Allocation Rules for All Open 2LDs, contained in Schedule A of this document.

1. To be eligible for a domain name in the net.au 2LD, registrants must be:
a) an Australian registered company; or
b) trading under a registered business name in any Australian State or Territory; or
c) an Australian partnership or sole trader; or
d) a foreign company licensed to trade in Australia; or
e) an owner of an Australian Registered Trade Mark; or
f) an applicant for an Australian Registered Trade Mark; or
g) an association incorporated in any Australian State or Territory; or
h) an Australian commercial statutory body.

2. Domain names in the net.au 2LD must be:
a) an exact match, abbreviation or acronym of the registrant's name or trademark; or
b) be otherwise closely and substantially connected to the registrant.

SCHEDULE F

ELIGIBILITY AND ALLOCATION RULES FOR ORG.AU

The org.au 2LD is for non-commercial organisations.

The following rules are to be read in conjunction with the Eligibility and Allocation Rules for All Open 2LDs, contained in Schedule A of this document.

1. To be eligible in the org.au 2LD, registrants must be:
a) an association incorporated in any Australian State or Territory; or
b) a political party registered with the Australian Electoral Commission; or
c) a trade union or other organisation registered under the Workplace Relations Act 1996; or
d) a sporting or special interest club operating in Australia; or
e) a charity operating in Australia, as defined in the registrant's constitution or other documents of incorporation; or

f) a non-profit organisation operating in Australia, as defined in the registrant's constitution or other documents of incorporation.

2. Domain names in the org.au 2LD must be:
a) an exact match, abbreviation or acronym of the registrant's name; or
b) otherwise closely and substantially connected to the registrant.

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