

PROPOSED APPLICATION OF 2LD ELIGIBILITY AND ALLOCATION CRITERIA TO DIRECT REGISTRATIONS

The table below proposes a model by which the current eligibility and allocation criteria for the open 2LDs could be applied to direct registrations.

Note that the eligibility and allocation criteria for the closed 2LDs (edu.au and gov.au) would also need to be incorporated into this model, in consultation with the relevant bodies for those domain spaces.

NB: This model is for illustrative purposes only, to convey the Panel's intentions regarding the policy rules for direct registrations.

	Eligibility criteria – how is the registrant eligible for a name?	Allocation criteria – what name can the registrant have?
.au	<p>A registrant must be:</p> <ul style="list-style-type: none"> 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; or i) an association incorporated in any Australian State or Territory; or j) a political party registered with the Australian Electoral Commission; or k) a trade union or other organisation registered under the Fair Work (Registered Organisations) Act 2009; or l) a sporting or special interest club operating in Australia; or m) a charity operating in Australia, as defined in the registrant's 	<p>The domain name must be:</p> <ul style="list-style-type: none"> a) an exact match, abbreviation or acronym of the registrant's name or trademark; or b) otherwise closely and substantially connected to the registrant, in accordance with the categories: <ul style="list-style-type: none"> i. a product that the registrant manufactures or sells; or ii. a service that the registrant provides; iii. a program that the registrant administers; or iv. an event that the registrant organises or sponsors; or v. an activity that the registrant facilitates, teaches or trains; or vi. a venue that the registrant operates; or vii. a profession that the registrant's employees practise; or viii. a name that includes, or is derived from, one or more words of the registrant's personal name; or ix. a name by which the registrant is commonly known (ie. a nickname). <p>A domain name may be registered for the purpose of domain</p>

	<p>constitution or other documents of incorporation; or n) a non-profit organisation operating in Australia, as defined in the registrant’s constitution or other documents of incorporation; or o) an Australian citizen; or p) an Australian resident.</p> <p>Corporate registrant must provide an official identifier (ABN, ACN, RBN, ARBN, TM).</p> <p>Sporting/special interest club does not have to provide an official identifier (warranty-based).</p> <p>Individual registrant does not have to provide an official identifier, but sole trader registrant may choose to provide their ABN.</p>	<p>monetisation, provided that the following conditions are met: a) the content on the website to which the domain name resolves must be related specifically and predominantly to subject matter denoted by the domain name; and b) the domain name must not be, or incorporate, an entity name, personal name or brand name in existence at the time the domain name was registered.</p> <p>A domain name may be registered if it refers to a personal interest or hobby of the registrant, but the domain name must not be, or incorporate, an entity name, personal name or brand name in existence at the time the domain name was registered.</p>
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The model is based on the Panel’s intended outcome that the rules for direct registrations should not be any more restrictive or exclusive than the rules for the open 2LDs – in other words, anyone who is eligible to register a domain name in the open 2LDs should also be eligible to register a domain name in .au, and they should be able to register the same type of name in .au which they would be able to register in the open 2LDs.

Notes re eligibility criteria:

- Corporate registrants would be required to provide an official identifier to prove their Australian identity, consistent with current practice in com.au/net.au and org.au/asn.au.
- Sporting/special interest club would not have to provide an official identifier (warranty-based), consistent with current practice in org.au/asn.au.
- Individual registrants would not have to provide an official identifier (warranty-based), consistent with current practice in id.au. Given that an individual who is an Australian citizen or resident is not required to provide an official identifier, it would be inconsistent to require an individual who is an Australian sole trader to provide their ABN. Industry experience suggests that individuals would choose to register under the warranty-based criteria rather than the evidentiary criteria. However, it is conceivable that some sole traders may want to associate their ABN with their domain name for business reasons, in which case they should be permitted to do so.

- The eligibility criteria for edu.au and gov.au would also need to be incorporated, in order to allow the registrants in those domain spaces equal access to direct registrations.

Notes re allocation criteria:

- All eligible registrants would be able to register a domain name that is an exact match, acronym or abbreviation of their name or trade mark, or under any category of close and substantial connection.
- All eligible registrants would be able to register a domain name for the purpose of domain monetisation, subject to conditions.
- All eligible registrants would be able to register a domain name that refers to a personal interest or hobby, subject to conditions.
- In practice, registrants would be able to register a very broad range of names under .au, but with some protections offered by the conditions on registering for domain monetisation or personal interest/hobby purposes.
- The allocation criteria for edu.au and gov.au would also need to be incorporated, although as their criteria are much more restrictive than the open 2LD criteria then it may be somewhat of a redundant issue.