

22 July 2021

Department of Infrastructure, Transport, Regional Development and Communications
Portfolio Strategy and International Engagement
GPO Box 594
Canberra ACT 2601

via email: internetgovernance@infrastructure.gov.au
cc: ian.sheldon@infrastructure.gov.au

Dear Sir/Madam

Terms of Endorsement for operation of the .au country code Top Level Domain (ccTLD)

We welcome the proposed .au Domain Administration (.auDA) Terms of Endorsement framework but recommend greater emphasis on stakeholder consultation when developing policies that impact small and family business' usage of vital public and economic resources. If .auDA is to perform as a quasi-regulator to undertake operation of the .au domain, then they must adequately understand the commercial impact of their actions. Failure to do so will inhibit trust in the .au domain administration, leading to missed economic opportunities and loss of confidence in the organisation.

We recommend the following:

1. Under the core principle of promoting competition, fair trading and consumer protections, .auDA should consider the implications and impost on small and family business to monitor, consider alternative URLs and respond to all potential domain name infringement prospects.
2. .auDA should consider utilising the business names register to better determine 'legitimate entitlement' to a domain name URL. Doing so would alleviate the burden on small and family businesses by automatically identifying that the business meets the Australian presence requirement, the length of time the business has been operating, and the status of the business.
3. We support wider multi-stakeholder consultations and recommend strategic research regarding the impact that domain names have on small and family businesses so that .auDA can better understand the real-life commercial impacts of their policies. Such research would assist .auDA to identify additional avenues of recourse for customers whose complaint or dispute may fall with .auDA themselves due to actions they have taken to cancel a small and family businesses website.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Rowen Murphy on 02 6213 7448 or at rowen.murphy@asbfeo.gov.au.

Yours sincerely



The Hon. Bruce Billson
Australian Small Business and Family Enterprise Ombudsman

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