

Important Update – auDA & Website Domains

Update:

On 12 April 2021 (10:00am AEST) a revamped set of rules which govern .au domains and the .au Domain Administration (auDA) will come into effect. There are a number of significant changes in the rules and business owners and website administrators should be mindful of the affect the changes may have on their domains and by extension their websites.

Key changes include:

- Changes to domain eligibility and allocation (including major changes to eligibility for .org.au domains – it will now be necessary to be a registered not-for-profit entity to hold a .org.au domain);
- Changes to the complaints process including auDA ceasing to be the initial point of contact for complaints (this function is being shifted to domain registrars);
- Increased auDA powers in relation to domain eligibility and allocation compliance;
- The removal of the 'close and substantial' connection test in relation to domain names (expanded prescriptive requirements will govern domains and their connection to business names and trademarks);
- Further guidance on timeframes for the restoration of cancelled domains or fixes relating to minor policy breaches; and
- Further powers to allow auDA to act in relation to enforcement objectives including the ability to suspend or cancel phishing domains.

Take Aways:

If you have a .com.au or .net.au domain and that domain matches your business name, as the vast majority of domain names in Australia do, then you are unlikely to need to make any changes to your domain.

For .au domains that expire after 12 April 2021, the current rules will apply until the end of the license period, unless the domain is currently eligible for renewal or will become eligible for renewal prior to 12 April 2021 in which case the new rules will apply (some exceptions apply). In practice this means that the new rules will apply from when the new license period commences or when you renew your domain. Accordingly, website administrators should ensure that domains remain compliant with eligibility criteria to avoid renewal rejections, running afoul of compliance checks and other associated difficulties. This is particularly relevant for unincorporated associations, sporting clubs and organisations not registered with the Australian Charities and Not for Profit Commission (ACNC) who will no longer be eligible for .org.au domains.

Website administrators and their business partners should be aware of the rules and be ready to act to ensure websites are not cancelled or suspended unnecessarily once the changes come into effect.

McKean Park can assist businesses seeking to understand the way the rules may affect their domains. Please contact McKean Park:

info@mckeanpark.com.au

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