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".com.au" domain name policy set to change

Craig Smith, Freehills

Craig Smith is a solicitor in the Melbourne office practising in intellectual property law.

The first significant changes to the ".com.au" policy are expected to be implemented later this year following an extensive review process. The most significant of these are:

Trade mark registrations and trade mark applications will be able to be used to support a ".com.au" domain name application.

Presently a registered company name or a registered business name is generally required before a corresponding ".com.au" domain name registration can be obtained. Companies have often had to register a business name, without any real intention to trade under that name, in order to obtain their desired domain name. The ability to instead use a trade mark registration or application will be a welcome change. A foreign company would be able to register a ".com.au" domain name in its own name if it owns a corresponding Australian trade mark registration or application.

"Substantial and close connection" will be the new test for derivation of the domain name from the registered name.

This will be a more flexible and reasonable test. The present rules simply require a domain name to be directly derived from the letters of the registered name without changing the order or adding any letters. For example, the domain name "asic.com.au" has been registered on the basis of a business name registration for "url assistance services".

The restriction of one domain name per registered name will be removed.

This will allow a business to register variations of a name without having first to obtain a further registered name, such as a business name registration. Other anticipated changes include:

- an inexpensive and quick dispute resolution policy for ".com.au" domain names will

be introduced. It will be modelled on the existing Uniform Domain Name Dispute Resolution Procedure presently available for ".com", ".net" and ".org" domain names.

- the present restriction preventing the registration of geographic names and generic words is expected to be removed. However, the process for assigning those names has not been decided upon.
- Consideration will be given to introducing new second level domains.
- Competition for registrars of ".com.au" domain names will be implemented.

Finally, a reminder: businesses should ensure that their domain name registration details are kept up to date so that renewal notices are sent to the correct postal or email address.