

- 44 G Barton, "Taking a Byte Out of Crime: E-mail Harassment and the Inefficacy of Existing Law" (1995) 70 *Washington Law Review* 465 at 469
- 45 note 27 at 1 and 4; E Ross, "E-mail Stalking: Is Adequate Legal Protection Available?" (1995) 13 *John Marshall Journal of Computer and Information Law* 405 at 413
- 46 Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General, *Model Criminal Code, Report: Chapter 4, Damage and Computer Offences* (2001) at 99
- 47 note 9
- 48 This can be seen in section 21A(2)(b) of the Crimes Act 1958 (VIC)
- 49 section 7(1)(d) and section 7(2) *Queensland Criminal Code*
- 50 see section 7(4) *Queensland Criminal Code*
- 51 section 7(3) *Queensland Criminal Code*
- 52 section 338E *Criminal Code Act 1913* (WA)
- 53 note 44 at 467
- 54 note 46 at 99; section 7 (aiding a principal offender), section 8 (Offences committed in prosecution of a common purpose) *Queensland Criminal Code*
- 55 section 359B(c)(ii) *Queensland Criminal Code*
- 56 note 44 at 469
- 57 as exemplified by the *Copyright Amendment (Digital Agenda) Act 2000* (Cth) and the *Electronic Transactions Act 1999* (Cth).
- 58 note 23 at 267
- 59 note 21
- 60 note 46 at 98
- 61 section 359A *Queensland Criminal Code*
- 62 *Stewart v Yahoo! Inc.* Case No. 0001045L, 162nd Civil District Court, Dallas, Texas; discussed in J Selby, "Yahoo! accused of stalking" (2000) 41 *Computers & Law* 28
- 63 "a person no longer walks outside the person's place of residence or employment"; "a person significantly changes the route or form of transport the person would ordinarily use to travel to work or other places": section 359A *Queensland Criminal Code*
- 64 note 21
- 65 section 4(3) *Protection from Harassment Act 1997* (UK)
- 66 section 359 *Queensland Criminal Code*
- 67 section 75 *Queensland Criminal Code*
- 68 section 308 *Queensland Criminal Code*
- 69 section 408D *Queensland Criminal Code*
- 70 section 416 *Queensland Criminal Code*
- 71 see Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General, *Model Criminal Code, Discussion Paper: Chapter 4, Damage and Computer Offences* (2000)
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New domain name policy for Open 2LDs (Australia)

auDA, the Australian domain name administrator, has approved new Domain Name Eligibility and Allocation Policy Rules for Open Second Level Domains (2LDs) which are expected to come into force on 1 July this year.

The new domain name policy has been drafted by auDA to reflect the recommendations of the report published by its Name Policy Advisory Panel in April 2001 called *Review of Policies in .au Second Level Domains: Recommended Changes to Domain Name Eligibility and Allocation Policies in the .au Domain Space*.

Open 2LDs include com.au, net.au, asn.au, org.au, id.au. Open 2LDs are basically open to all users, subject to some eligibility criteria. The new policy rules do not cover closed 2LDs which are those with a defined community of interest, such as edu.au and gov.au.

The current domain name policy for the registration of com.au and net.au names allows registrants with a company, business, partnership, trading, incorporated association or commercial statutory body name to

register that exact name, or an acronym or abbreviation of that name. A registrant can currently only register one domain name per business name, company name etc. Under the new policy, registrants will also be eligible to register a domain name based on their Australian registered trade mark (or on a trade mark application). Further, a registrant will be able to register a domain name which is 'closely and substantially connected' to themselves. For example, it may be possible to register a domain name which refers to:

- a product that the registrant manufactures or sells;
- a service that the registrant provides;
- an event that the registrant organises or sponsors;
- a teaching, training or facilitation activity by the registrant;
- a venue that the registrant operates; or
- a profession in which their employees are engaged.

The new policy provides that there will be no hierarchy of rights in the new domain name system. For

example, a registered trade mark will not confer any better entitlement to a domain name than a registered business name. Provided the relevant eligibility rules are satisfied, the first registrant to apply for a particular domain name will be permitted to license it.

The new policy also affects the org.au domain (used for non-profit and other organisations, statutory authorities and other entities that can reasonably be considered to be organisations) and the asn.au domain (used for incorporated associations, some unincorporated bodies, political parties, trade unions, industry bodies and sporting or special interest groups). The eligibility criteria for these domains have been widened to include not only domain names which exactly match the name of the organisation, but also names which are 'closely and substantially connected' to the registrant.

More details can be found on the auDA website, <http://www.auda.org.au/about/news/2002061102.html>.

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