

I am not an industry stakeholder, so please forgive my inability to properly articulate my thoughts.

I have concerns generally regarding .com.au, .org.au, .net.au, and all other .au TLD's which will include the proposed new .au.

I like that .au eligibility requirements add confidence that you will be dealing with a registered Australian entity when dealing online. This requirement, unfortunately, is often circumvented by registrants using bogus ABN/ACN or those of another entity. I also frequently see domains registered that have nothing to do with the content displayed or the registrant, except that under 'Monetisation Policy' this is somehow 'acceptable' - generally by SEO firms securing dropped domains that had good page ranking. Genuine eligibility requirements include being Australian, the domain name has a substantial link to the registrant, and the website content also has such a link. 'Monetisation' is often used to make a farce of 'genuine' eligibility requirements.

The existing system relies on reports by consumers, etc... to report non-compliance, and there is little to no pro-active checking by auDA.

Frequently registrars are unwilling to pursue an eligibility complaint, and suggest an approach to auDA - even though this is in breach of a registrar's obligation. The registrar is under no obligation to even provide the complainant an update or whether they are pursuing the complaint.

When a complaint is made to auDA, the initial response is 'you need to contact the registrar in the first instance'. It is too easy to select the incorrect for for the specific policy breach, and using the incorrect online form will result in the complaint not being actioned. Rather than several online forms, just one should be provided with relevant questions and dropdown lists that will result in the correct information being requested and provided.

auDA have at times dismiss complaints on the basis the complainant is not a 'stakeholder/someone claiming a right to the domain' and therefore 'vexatious' - yet auDA have left it to the community to alert them to breaches.

Removal of 'Monetisation Policy' and strict eligibility requirements should be enforced, with all complaints directed through auDA in the first instance and delegated to relevant registrar for resolution within 14 days. Unless auDA enforce compliance and encourage reports, eligibility requirements for all .au should be removed altogether.

Here is an example of such a complaint that that I lodged with both registrar and auDA that has not been actioned and illustrates my concerns :

[taoscreative.com.au](http://taoscreative.com.au)

TAOS Creative Pty Limited ABN 31 136 828 361

This company is deregistered over a year ago and ABN cancelled - yet the website continues to offer services.

This same web business has registered domain names on behalf of clients, eg.

[shoresuite.com.au](http://shoresuite.com.au)

Issue 1. Taos used their own name as registrant and own ABN for eligibility. This is in breach of auDA policy.

Issue 2. The business Shore Suite is an Indian entity with no Australian registrations. Under .au eligibility criteria, they do not qualify to hold a .au of any kind.

Issue 3. The registrant, Taos Creative, being a non-entity (deregistered/cancelled) have no right to hold a .au of any kind.

Issue 4. Often it's businesses in the web 'space' that are the biggest transgressors - they doing so deliberately.

Issue 5. Registrars are in the business of selling domains - there is a strong disincentive for them to act to enforce eligibility.

Issue 6. auDA is happy enough to pass the complaint on to the registrar, but resist direct involvement even when the registrar doesn't act. I suspect the fact some auDA board members have a vested interest as Web Service providers and registrars may play a role in this.