
Review of the edu.au Domain's Governance Arrangements and Eligibility and Allocation Policies

Discussion Paper

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Glossary

Abbreviation	Description
auDA	.au Domain Administration Ltd
auDRP	.au Dispute Resolution Procedure
DEECD	Victorian Department of Education and Early Childhood Development
DETE	Queensland Department of Education, Training and Employment
eDAC	edu.au Domain Administration Committee
ESA	Education Services Australia
Grandfathered	Where an entity's eligibility for a domain name under previous domain policy has been preserved following a change in policy that would otherwise make that entity ineligible for a domain name.
gTLD	generic Top Level Domains
ICANN	Internet Corporation for Assigned Names and Numbers
ICI	International Career Institute
ISCA	Independent Schools Council of Australia
NUHEP	non-university higher education provider
registrants	A registrant is an entity that has been issued with a domain name licence for a domain name.
registrar	Registrars issue domain name licences to registrants, based on whether or not a domain name application meets the policy rules. Registrars have direct access to the registry so that they can process new registrations and renewals, as well as update registrant contact details in the database. Registrars in the .au domain space are accredited and licensed by auDA.
registry	The registry holds the database of domain names for the .au domain and operates the computers that make domain names visible on the Internet. The registry does not have direct contact with registrants.
RTO	Registered Training Organisation
TAFE	Technical and Further Education

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1 Introduction

The edu.au Domain Administration Committee (eDAC) is undertaking a public review of the:

- governance and supporting administration arrangements for the edu.au domain; and
- the domain name eligibility and allocation policies for the edu.au domain.

eDAC is undertaking this review to ensure that:

- the governance and supporting administration arrangements for the edu.au domain are appropriate and act for the benefit of Australian education and training sector;
- the domain name eligibility and allocation policies allow the domain to remain sustainable, while maintaining the integrity of the domain;
- the domain name eligibility and allocation policies are consistent with:
 - .au Domain Administration Limited's (auDA) policies and practices for the management of the .au domain;
 - current trends, practices and standards within the education and training sector; and
 - current trends, practices and standards in the use of the internet.

The review is considered timely as it offers stakeholders the opportunity to have input into improving the domain's sustainability in the context of the competitive pressures for domain names generally in the .au and wider domain name spaces.

Whilst the edu.au domain has for some time experienced competition from domains such as com.au and gov.au domains, it is now facing competitive pressures from new educationally focused generic Top Level Domains (gTLD) that may be approved by the current gTLD process being undertaken by the Internet Corporation for Assigned Names and Numbers (ICANN).

For example, a number of Australian universities are seeking gTLDs – e.g. .bond (Bond University Limited), .latrobe (La Trobe University) and .course and .study (both by Open Universities Australia Pty Ltd). A gTLD has already been granted for .monash (Monash University). Some non-Australian gTLDs that have already been approved by ICAAN include .education, .training, .university and .college. Further, competition in this area will potentially come not only from educationally focussed gTLDs, but also from other gTLDs such as .melbourne (State of Victoria) and .sydney (State of NSW).

A key defence for the edu.au domain in meeting these competitive pressures and remaining sustainable is the integrity it derives through its eligibility and allocation rules.

This Discussion Paper represents the second stakeholder consultation during this review. An Issues Paper was publicly released in late August 2014, with comments closing on 3 October 2014. The outcomes of the Issues Paper are discussed in Section 2.

eDAC considered the responses to the Issues Paper and identified a number of policy areas where change should be considered. This Discussion Paper outlines those changes and provides an opportunity for Australian education and training sector stakeholders to comment on those changes. This Discussion Paper also highlights a number of issues submitted where eDAC did not consider that policy change was warranted.

1.1 Scope of the Review

This review is concentrating on:

- the edu.au domain's governance and administration arrangements as outlined in auDA's policy titled [2014-04 - Interim Governance Arrangements for the edu.au 2LD](#); and
- edu.au domain eligibility and allocation rules which are contained in edu.au domain [Policy 1 - edu.au Policy and Governance Framework](#) and [Policy 2 - edu.au Eligibility Policy](#).

The Terms of Reference for the review are contained in [Attachment A](#).

The following policies and rules are considered to be beyond the scope of this review process:

- edu.au policies 3 to 10.
- Rules that have to remain consistent with auDA's governance of the .au domain. This covers issues such as the:
 - two year domain name licence period; and
 - technical requirements relating to domain names.

1.2 Consultation Process

There will be a six week consultation period commencing on the publication of this Discussion Paper. During the consultation period, Australian education and training sector stakeholders have an opportunity to provide comments on the Discussion Paper.

Following this consultation period, eDAC will prepare a Final Review Report for submission to auDA in the first quarter of 2015. It is expected that the Final Review Report will be published by auDA.

1.3 Making a Submission

eDAC invites comments from all interested parties on this Discussion Paper.

All submissions will be published on the edu.au domain website. Submissions will be published without modification, except to remove personal contact details.

- Anyone who does not wish their submission to be made public must clearly mark their submission 'in confidence'. However, respondents must be aware that only in exceptional circumstances will confidential submissions be accepted as part of this review process.
- eDAC reserves the right not to publish any comments, submission, or part of a submission, which in its view contains unsuitable or potentially defamatory material.

If you would like to comment, please lodge your submission by close of business on **Tuesday 27 January, 2015** through any of the following methods (electronic methods are preferred):

- An [online response form](#), or
- Email to the eDAC Secretariat at edac@stening.com.au, or
- Hard copy submissions to the eDAC Secretariat at GPO Box 881, Hobart, Tasmania, 7001.

1.4 Enquiries

Any enquiries about this review process should be directed to the eDAC Secretariat on 03 6231 4091 or edac@stening.com.au.

2 Issues Paper Outcomes

The review and the release of the Issues Paper was widely publicised, with almost 11 500 stakeholders alerted to the review and Issues Paper by email.

Overall, there was a low response rate to the Issues Paper, with eDAC receiving 32 responses, and there was a relatively low number of issues raised by respondents. This indicates that domain stakeholders are broadly happy with current governance arrangements and the eligibility and allocation policies. The Registrar (Education Services Australia) raised a range of issues where policies could be clarified to streamline the Registrar's decision making processes and to improve the integrity of the domain.

In a number of instances, respondents raised issues that were operational in character, rather than issues of policy. eDAC has referred those matters to the Registrar for consideration/action. Those matters are not canvassed by this Discussion Paper.

The organisations or persons who responded to the Issues Paper are shown in Attachment B. These responses (with the exception of two confidential responses) are published on the review webpage on the Registrar website (see <http://www.domainname.edu.au/policy-review.htm>).

3 Issues for Discussion

This section outlines the policy issues raised by stakeholders through responses to the Issues Paper and eDAC's subsequent recommendations.

For continuity, the headings in this section mirror those contained in the Issues Paper. Recommendations are provided for each section.

3.1 Governance and Administration Arrangements

3.1.1 Domain Policy

Respondents to the Issues Paper were generally satisfied that eDAC was the most appropriate mechanism to manage the policy and administration of the edu.au domain. No substantive issues were raised regarding the edu.au domain's policy and administration arrangements.

However, a number of respondents made suggestions on the membership of eDAC:

- One respondent suggested that the biggest domain user, government schools, was underrepresented.
- One respondent suggested that a representative of Education Services Australia (ESA) should be added to represent the registrant perspective.
- One respondent suggested that eDAC's membership "*...should be expanded to include a minimum of 1 and maximum of 2 members with operational focus to further assist eDAC in the management of edu.au domain.*"
- One respondent suggested that there be an additional universities sector representative as that sector seemed underrepresented. Another respondent suggested that the current higher education representative arrangement be replaced with one university representative and one non-university higher education provider (NUHEP) representative (making the case that the NUHEP sector is effectively unrepresented at present).

eDAC observes that its role is as a policy body not an operational body. It currently has a number of members who have an operational focus. It also has recourse to advice from the Registrar, who regularly reports on the impact of operational issues. Accordingly, it is not considered that the addition of specific members with an operational focus would improve the representative nature of eDAC.

In relation to eDAC's membership, eDAC observes that it is important that the composition of eDAC ensures the different points of view of the key sub-sectors of the Australian education and training sector are broadly represented. However, this does not require representation for those sub-sectors in proportion to their size.

In relation to the suggestion that the representation of the Higher Education sector be reviewed, eDAC notes that the sector is potentially facing significant change as a result of reforms proposed by the Australian Government. eDAC considers that it is not appropriate to amend the representation of that sector at this stage. Rather, eDAC proposes to closely follow the proposed reform of the Higher Education sector and consider whether change to the higher education sector representation on eDAC is warranted once the final nature of the reforms is settled and their impact apparent.

Recommendations for discussion

- R1. That no changes be made to the arrangements for the management of edu.au domain policy by eDAC, nor the composition of eDAC.
- R2. Once the proposed reform of the Higher Education sector is settled and its impact apparent, eDAC should consider whether changes are warranted to the higher education sector representation on eDAC.

3.1.2 Registrar

Respondents to the Issues Paper were generally satisfied with the current arrangements for an edu.au Registrar.

Two respondents suggested that competition in registrars should be considered, with one commenting that the “...current registrar provides very basic functionality and the interface is not very user friendly. Moreover, the cost [of domain licences presumably] is 3-4 times more than any other registrars.”

In relation to this suggestion, eDAC notes that:

- A number of respondents commented that they were happy with the current registrar services, with several indicating these services were timely and effective.
- One respondent specifically supported the single registrar model, stating that it was “...a key factor to ensuring dedicated focused support for the sector.”
- The Registrar is aware of the usability issues associated with its user management portal (the registrant/account holder interface used by registrants or their agents). It has been working with its service provider to redevelop the portal to improve the usability of the portal and a new portal interface is expected to be commissioned shortly that will resolve a range of current usability issues.
- The cost of domain licences is currently set by eDAC and pricing is subject to regular reviews.

eDAC acknowledges the potential benefits that a competitive market could bring in minimising prices and ensuring quality services. However, it is not convinced that these benefits can be realised in a closed domain like edu.au with strict eligibility rules which are designed to protect the integrity of the domain.

In reaching this conclusion, eDAC notes the experience in the closed Community Geographic domain in seeking registrar competition in an environment of strict eligibility controls. In 2006 auDA introduced new rules into the Community Geographic domain that separated the eligibility assessment function (with auDA issuing eligibility certificates) from the Registrar function in an environment where there was competition in registrar services. The economics of this arrangement have not proved sustainable and it has (by attrition) collapsed back to a single registrar model as commercial registrars did not consider it commercially viable to operate in a domain where there were special eligibility requirements that required specific business processes.

Whilst the edu.au domain is larger than the Community Geographic domain, eDAC considers that the same issues arise regarding the commercial viability of competing registrars. Against this background, eDAC considers that there is a strong case for retaining a single registrar for the edu.au domain due to the complexity of the domain's eligibility and allocation rules, the need for the manual assessment of applications and the small number of users compared to most other .au domains.

Further, a competitive model would pose risks for the integrity of the domain if competing registrars were responsible for applying what are (compared to commercial domains) relatively complex eligibility rules.

eDAC notes that the current registrar arrangements could be reviewed in the future if the number of domain users grows significantly and makes the economics of registrar competition more favourable.

Recommendation for discussion

R3. That no changes be made to the registrar arrangements for the edu.au domain.

3.1.3 Interim Governance Arrangements Policy

Overall, respondents to the Issues Paper were satisfied with the current interim governance arrangements for the edu.au domain, including the method for filling vacancies on eDAC and the terms of membership for eDAC.

One respondent (who requested confidentiality) indicated that they considered the Independent Schools Council of Australia (ISCA) was not the appropriate peak body to represent independent schools as they were excluded from membership for no reason. Whilst this may be an issue for that respondent, eDAC has no evidence that this is a significant problem. Further, given the nature of edu.au policy, it is unlikely that the presence of an ISCA representative on eDAC will result in the respondent being disadvantaged with respect to their ability to obtain/retain a domain name licence (the respondent already has a domain name licence).

Accordingly, eDAC considers that the current interim governance arrangements should be confirmed as appropriate for the edu.au domain.

Recommendation for discussion

R4. That the current interim governance arrangements be confirmed as appropriate for the edu.au domain.

3.1.4 Domain name pricing

Generally respondents were supportive of the current approach to domain name pricing. A number indicated that the current pricing was reasonable, while several stressed the need to keep domain name licence fees low. However, several respondents suggested that the pricing was very high compared to commercial domains.

eDAC observes that it is well aware of the relative cost of edu.au domain name licences compared to commercial domains. It has endeavoured over time to reduce the cost of edu.au domain name licences by conducting regular pricing reviews.

eDAC notes that the current approach to pricing is not enshrined in edu.au policy. To improve the transparency of pricing policy, eDAC proposes that a formal, published pricing policy be established that requires eDAC to:

- Keep the fees for an edu.au domain name licence at a minimum;

- Conduct an annual internal pricing review, with this being subject to independent external auditing to provide transparency for eDAC members, auDA and the education sector; and
- Commission a major external pricing review every 4 years (i.e. instead of an internal pricing review).

Recommendation for discussion

R5. That a formal, published pricing policy be established where:

- a) The objective is to keep the fees for an edu.au domain name licence at a minimum; and
- b) Pricing is subject to regular review, including periodic external independent scrutiny.

3.2 edu.au Domain Eligibility and Allocation Requirements

3.2.1 Eligibility Rules

Eligibility Types

Responses to the Issues Paper contained a range of suggestions for change to current eligibility types. There was consistent comment that any changes to the eligibility types should not diminish the integrity of the education and training domain.

While there were no proposals for new entity types that should be eligible for an edu.au domain name, there were suggestions to refine the eligibility requirements for a number of eligibility types, particularly:

- a) Research organisation;
- b) National bodies;
- c) Non-profit associations; and
- d) Entities not otherwise listed.

Many of the suggestions were aimed at clarifying the current requirements or tightening them to ensure entities were eligible if they were bona fide participants in the Australian education and training sector. Indeed, several comments were received that advocated a significant strengthening of the eligibility criteria to the extent that a number of currently eligible entities would no longer be eligible.

eDAC is not convinced on the basis of responses to the Issues Paper that there is a persuasive case to further restrict the type of entities that could be considered eligible for an edu.au domain name licence. However, it observes that many of the comments illustrate that there is scope to restructure and simplify current eligibility policy to improve the understanding of stakeholders and to clarify eligibility boundaries.

In particular, eDAC observes that eligibility types can be broadly divided into two main groups:

- a) entities for which there is an appropriate accreditation/registration authority; and
- b) entities where there is a need to rely on warranties and references as there is no appropriate accreditation/registration authority.

eDAC considers that the eligibility evidentiary requirements for the latter group, which rely on applicant warranties and references, could be standardised and simplified to strengthen the eligibility assessment process. Specifically:

- The current reference requirements for this group (providing up to three references) are considered unduly onerous, relying on value judgements by the Registrar as to when multiple references are required from applicants. eDAC proposes that the reference requirement be simplified to a single reference from an unrelated entity (i.e. an entity that has no equity, contractual or management involvement with the applicant entity) that holds an edu.au domain licence.
- While references are currently required to demonstrate that the applicant's primary function is the "...provision in Australia of education, training, education and training research and/or related services", the Registrar advises that references often do not clearly provide this demonstration. eDAC proposes that a standard form be devised for references that requires the referee to warrant that the applicant's primary function is the provision in Australia of education or training; education and training research; and/or education and training related services.

In relation to specific eligibility types eDAC proposes that:

1. Eligibility policy be clarified to ensure that if an entity is eligible under a category where there is an appropriate accreditation/registration authority, they must apply under that category rather than a category that requires them to furnish warranties and a reference. This would avoid the confusion amongst some respondents in cases where they could apply under multiple categories.
2. Eligibility policy should not require research organisations to be in receipt of funding as a condition of eligibility, as this is not a relevant factor in determining whether an organisation undertakes research related to education and training. eDAC considers that the risk that an entity is not a bona fide research body can be addressed adequately though the proposed revision to the requirements for warranties and a reference.
3. The eligibility category of national bodies should be amended to provide examples of the type of bodies that fall within this category. This would improve the ability of applicants and other stakeholders to understand what types of entities can apply under this category.
4. Eligibility policy be amended to further define the term 'related services' to clarify that it refers to services whose primary function is the provision in Australia of services specifically related to education and training.

eDAC believes that these proposed changes to the eligibility rules will improve their clarity without degrading the integrity of the edu.au domain and will not disadvantage existing registrants.

Recommendations for discussion

- R6. That the current eligibility policy be restructured and simplified by dividing eligibility types into two categories:
- a) entities for which there is an appropriate accreditation/registration authority; and
 - b) entities where there is a need to rely on warranties and references as there is no appropriate accreditation/registration authority.

- R7. That the evidentiary requirements for entities where there is no appropriate accreditation/registration authority be standardised and simplified, with the process to involve the applicant:
- a) warranting that their primary function is the provision in Australia of education, training, education and training related research; and/or education and training related services; and
 - b) providing a reference in a standard form from an unrelated entity that currently holds an edu.au licence where the reference:
 - i. warrants that the referee is an eligible entity under current policy and holds a current edu.au domain name licence; and
 - ii. warrants that the applicant's primary function is the provision in Australia of education or training; education and training research; and/or education and training related services.
- R8. That eligibility policy be amended to:
- a) ensure that if an entity is eligible under a category where there is an appropriate accreditation/registration authority, they must apply under that category;
 - b) remove references that research organisations need to be in receipt of funding;
 - c) provide examples of the type of bodies that fall within the category of national bodies;
 - d) define the term 'related services' to ensure that it is clear that it refers to services whose primary function is the provision in Australia of services specifically related to education and training.

Eligible Entities

A significant number of respondents indicated that the current eligibility rules are appropriate. A number cautioned against loosening the current rules, with one commenting '*Entities that are currently not eligible are ineligible for good reason, and have access to other more suitable domain names.*'

In response to a proposal by the Registrar, eDAC proposes that the eligibility policy be amended to allow schools that are being established to obtain a domain name prior to achieving formal accreditation/registration if a warranty from the relevant government authority/governing body is provided.

This would allow a domain name to be issued to a school in advance of the school being formally accredited by the relevant jurisdictional authority or in advance of a planned change in school name (before the change is formally reflected in the school's accreditation). This proposal is to allow for such schools to commence the necessary communication planning once a formal decision by the relevant government/educational body to establish the school has been made, but prior to formal accreditation. eDAC understands that the Registrar receives a number of enquiries each year from new schools in this position.

eDAC considers that there would be a low risk to the edu.au domain integrity arising from the granting of such licences prior to formal accreditation.

There were several other suggestions for policy change, however eDAC does not consider them to be persuasive.

- The International Career Institute (ICI) proposed the revision of eligibility requirements to increase accessibility to more education related entities. ICI claims that the current eligibility policy excludes many education content providers, providers of short courses and courses from outside of the Australian Skills Quality Authority / Australian Qualifications Framework system.

However, eDAC notes that policy change is not required, as such providers can currently apply for a domain name under the 'Entities not otherwise listed' category.

- Another respondent (Anzie Pty Ltd) suggests that Registered Training Organisations (RTOs) which currently hold an edu.au domain should be able to keep them even if they cease to be RTOs in the future (i.e. their eligibility for their domain name must be grandfathered).

eDAC considers that this suggestion would set an undesirable precedent as:

- under existing policy, if an entity ceases to be eligible it cannot renew/retain its domain name; and
 - it suggests that an entity might have 'ownership' of a domain name – this is prohibited by the Mandatory Terms and Conditions Policy which specifically states that the granting of a licence does not imply ownership of a domain name (Clause 1.2(e)).
- Salford College suggested that eligibility should be extended to entities working in an education domain environment with a national or international market or footprint.

eDAC proposes that no policy change is necessary as:

- a) for such Australian entities in the Australian education and training sector, eligibility policy already allows them to obtain a domain name; and
- b) under auDA policy, it is a requirement that a registrant must have a connection with Australia (be registered to trade in Australia, or hold a trade mark registered in Australia). edu.au policy cannot override auDA policy.

eDAC observes that several responses mistakenly assumed that there are grandfathering arrangements in relation to the eligibility of certain edu.au domain licence holders. This is not correct as there are no current grandfathering rules that allow an ineligible entity to continue to hold a domain name. There was a transitional grandfathering rule that existed when the current policy rules came into force around 2003, but that rule has since expired.

Recommendation for discussion

- R9. That eligibility policy be amended to allow schools that are being established to obtain a domain name prior to achieving formal accreditation/registration if a warranty from the relevant government authority/governing body is provided.

Projects and Programs

A significant number of respondents indicated that the current rules relating to the registration of an edu.au domain name licence for a project or program should not be changed.

However, eDAC notes the Registrar's submission relating to the difficulties it experiences in allocating domain names for projects or programs. Specifically, when an eligible entity

applies for a domain name for a project or program, the Registrar considers that the current policy wording obliges it to assess whether the project or program is educational in nature. In this respect, Policy 1, clause 5.1.2 (b) requires: “*Where a domain name refers to an educational project or program, there must be a semantic relationship between the name and the project or program.*”

eDAC considers that the current projects and programs name allocation test should only be a name test – it should not involve the Registrar having to make a judgement as to whether a project or program was educational in nature. It should be sufficient protection for the integrity of the domain that the applicant be required to be an eligible entity.

Accordingly, eDAC proposes that the current policy wording relating to projects and programs be amended to clarify that, where an edu.au domain name proposed by an eligible entity relates to a project or program, the Registrar does not need to assess whether the project or program is educational in nature.

Recommendation for discussion

R10. That the current allocation policy be amended to clarify that the Registrar does not need to assess whether the project or program is educational in nature.

Related Services and Research

Respondents to the Issues Paper put forward a range of suggestions on what types of related services and research an entity should deliver for it to be considered eligible for an edu.au domain name when they apply under the categories of National Bodies, Non-profit Associations and Entities not Otherwise Listed.

eDAC observes that the way in which Policy 2 currently references “*...related services and research*” inevitably leads to boundary issues in determining whether an entity is an eligible entity to the domain. As general principles, eDAC considers that:

- The tests applied by the Registrar should be as objective as possible and the current policy wording regarding related services and research is problematic in that regard;
- Entities should only be eligible for the domain if they are a bona fide participant in the Australian education and training sector – that is, their predominant business should be in education and training related research; and/or providing specific education and training related services. In this latter respect, entities that provide general services (e.g. sale of books, supplies, software services, student referral services, student financial and administration services etc.) to the Australian education and training sector should not be considered eligible entities; and
- Existing edu.au licence holders are usually best placed to warrant if an unrelated entity is a bona fide participant in the Australian education and training sector.

eDAC considers that its proposed Recommendation 7 would remove the subjectivity from the approval process by allowing the Registrar to rely on the applicant’s referee warranting that the applicant’s primary function is the provision in Australia of services specifically related to education and training.

3.2.2 Allocation Rules

First come, first served

In general respondents to the Issues Paper strongly supported the current allocation approach of 'first come, first served' for domain names.

The NCVER raised an issue, stating that:

"...issuing licenses on a 'first come first served basis' puts the burden and cost onto organisations to claim or reclaim domains that have been registered by others. Where this involves them having to bear the cost of reclaiming a domain that matches or closely matches their own trademark or business name, this seems unreasonable. While this may increase administration for the Registrar, perhaps the application process could require applicants to provide more information to circumvent this issue as much as possible from the outset."

In contrast, the Registrar indicated that potential issues with the current method are adequately addressed through the edu.au Mandatory Terms and Conditions Policy, and complaints processes both within edu.au policy and through the .au Dispute Resolution Procedure (auDRP).

Currently, the Mandatory Terms and Conditions Policy:

- Requires the applicant/registrant to warrant that their edu.au domain name does not infringe upon or otherwise violate the rights of any third party (e.g. trademarks etc.); and
- Forbids registrants from registering an edu.au domain name for the purpose of diverting trade from another business or website.

eDAC notes that:

- Complaints under edu.au Policy 7 against registrant eligibility for a domain name are rare (two since 2005); and
- The auDRP process can consider complaints that a domain name is identical or confusingly similar to a name, trademark or service mark in which the complainant has rights. The auDRP process has applied to the edu.au domain since June 2003.

Accordingly, eDAC considers that the current complaint options provide appropriate mechanisms for resolving disputes over whether an entity should be allocated a particular domain name.

As a consequence, eDAC proposes that current policy on this issue remain unchanged.

Recommendation for discussion

R11. That no policy change is required in relation to the current allocation rule '*first come, first served*'.

Domain name level

Several issues were raised by respondents regarding the rules controlling the level of edu.au domain name that different types of eligible entities can register.

- The Victorian Department of Education and Early Childhood Development (DEECD) suggested that registration at the third level should be extended to all state education departments on the grounds that:
 - State education departments represent a collective of individual educational organisations and some of these build and provide a common service(s) to be used across their organisation. Use of a third level domain in this instance is consistent with the principles of a broader scope similar to an individual organisation that crosses a state boundary; and
 - Equity, as some state education departments already have third level domains registered, denying the remaining state education departments is inequitable.

eDAC observes that this latter claim is not correct. While the Queensland Department of Education, Training and Employment (DETE) has the domain name eq.edu.au, that is an approved childzone for which DETE is the approved childzone manager.

eDAC also notes that current policy reserves third level domain names for entities that have national interests or responsibilities. Arguably, state/territory departments do not have such interests or responsibilities – that is, their interests/responsibilities do not cross jurisdictional boundaries. The most significant risk for the domain arising from this suggestion is that it may create an undesirable precedent for other jurisdictionally focussed entities to argue they should be entitled to a third level domain name.

- Mr David Crowley suggested that schools should be able to access third level domain names (school.edu.au) for ease of use and brevity of email addresses. eDAC observes that schools have traditionally been restricted to registration at the fourth level because they are overwhelmingly jurisdictionally based and the use of a fourth level domain name assists in identifying domain names due to the jurisdictionally based third level childzones that form part of a fourth level domain name.

eDAC observes that responses indicated that there is a lack of demand for schools to access level three domain names. eDAC is not convinced of the merits of changing the current approach to allow schools to register at the third level. eDAC notes that such a change is likely to give rise to a range of issues, such as multiple entities competing for the same or very similar domain names.

- SP Jain Global School of Management submitted that the rules controlling the level of edu.au domain name fail to make any reference to NUHEPs, which are neither universities, TAFEs nor RTOs. SP Jain indicates that this is inequitable to NUHEPs, which are unable to obtain a third level domain name.

As mentioned earlier, the higher education sector is currently facing significant change as a result of reforms proposed by the Australian Government. eDAC considers that it is prudent to wait for these reforms to unfold before addressing the issue raised by SP Jain.

As a result, eDAC proposes that no changes be made to the policy rules controlling the level of edu.au domain name that different applicant types can register.

Recommendation for discussion

- R12. That no change is required to the policy rules controlling the level of edu.au domain name that different applicant types can register.
- R13. Once the proposed reform of the Higher Education sector is settled and its impact apparent, eDAC should consider whether changes are warranted to the policy rules controlling the level of edu.au domain name that different applicants can register.

Composition of a domain name

Respondents generally indicated that there should be no change to the rules requiring that there be a direct link between the name of the applying entity (or related project or program) and the proposed edu.au domain name.

Accordingly, eDAC proposes that no changes be made to the policy rules in this area.

Recommendation for discussion

- R14. That no change is required to the policy rules requiring there to be a direct link between the name of the applying entity (or related project or program) and their proposed edu.au domain name.

Restricted or Unacceptable Words and Terms

Most of the respondents who addressed this issue indicated that there should be no change to the rules governing the types of words and terms that are restricted or that cannot be registered as an edu.au domain name.

However, AusRegistry suggested that consideration could be given to allowing the registration of generic terms that relate directly to the education sector (for example, books, uniforms, stationary, teachers, students etc.). They indicated that generic terms are a valuable asset within a namespace and suggest that such names could be released at the determination of eDAC. This could be achieved via auction or by applying a higher yearly registration fee to generic terms.

AusRegistry considers that within the competitive education and training sector releasing generic names will provide opportunities for innovative entities to introduce new services to students, teachers and schools. They also point out that any revenue increases for the edu.au namespace will allow for future re-investment back into the education and training sector.

eDAC considers that this suggestion is a major departure from current policy that could significantly adversely affect the integrity of the edu.au domain and could be considered by registrants and potential registrants to have significant equity impacts. It also noted that the lack of responses on this issue seemed to indicate that there is not a demand for this degree of policy change. For this reason, eDAC is not persuaded that policy change is warranted at this stage.

Recommendation for discussion

R15. That no change is required to the policy rules governing the types of words and terms that are restricted or that cannot be registered as an edu.au domain name.

3.3 Other Issues

DETE suggested that the rule regarding redirection of domain names (Policy 10, Clause 2.1(g)(iii)) needs clarification. This rule states that:

In addition to the obligations contained in the Agreement Documents or the Published Policies, you [the registrant]...must not, directly or indirectly, through registration or use of your edu.au domain name or otherwise....cause a person or body accessing your edu.au domain name to be automatically redirected to another domain name (either in the edu.au domain or another domain) which is operated by or on behalf of a person or body which is not eligible to register a edu.au domain name

DETE questions whether this rule should be absolute or whether some redirections should be considered legitimate and not a breach of the mandatory terms and conditions. DETE provides the example of a school library that purchases a library service from a third party vendor that may require a subdomain (such as library.schoolname.eq.edu.au) for technical as well as marketing reasons. If the vendor is not eligible (under current rules) for an edu.au domain name then this is prohibited under the current rules.

It is understood that the current rule is intended to prevent scamming or 'phishing' type activities. eDAC considers that DETE raises a legitimate point where a redirection could not be considered to undermine the integrity of the edu.au domain.

Consequently, eDAC proposes to review the current wording of the rules in Policy 10 – edu.au Mandatory Terms and Conditions regarding prohibitions on the redirection of domain names to ensure they do not prevent instances where the redirection of domain names could not be considered to undermine the the integrity of the domain

Recommendation for discussion

R16. That the current rules in Policy 10 – edu.au Mandatory Terms and Conditions regarding prohibitions on the redirection of domain names be carefully reviewed to ensure they do not prevent instances where the redirection of domain names could not be considered to undermine the integrity of the edu.au domain.

Attachment A: Review Terms of Reference

Terms of Reference for the review of the edu.au domain's eligibility and allocation policies are outlined below.

Issue	Detail
Scope	<p>The edu.au Domain Administration Committee (eDAC) is to conduct a public review of the:</p> <ul style="list-style-type: none"> • governance and supporting administration arrangements for the edu.au domain; and • policy that governs the domain name eligibility and allocation rules for the edu.au domain (which are contained in <i>Policy 1 - edu.au Policy and Governance Framework</i> and <i>Policy 2 - edu.au Eligibility Policy</i>). <p>The aim of the Review is to ensure that:</p> <ul style="list-style-type: none"> • the governance and supporting administration arrangements for the edu.au domain are in the public interest and act for the benefit of Australian education and training sector; • the domain name eligibility and allocation policies allow the domain to continue to grow, while maintaining the integrity of the domain; • the domain name eligibility and allocation policies are consistent with: <ul style="list-style-type: none"> – auDA's policies and practices for the management of the .au domain; and – current trends and practices in the use of the internet.
Stakeholders	<p>The audience for the review includes:</p> <ul style="list-style-type: none"> • all Australian Commonwealth, State and Territory education and training focused Government Departments; • education and training sector peak bodies; • current edu.au registrants and those eligible for edu.au domain name licences; • entities involved in the education and training sector that may not be eligible for an edu.au domain name licence under current policy, and • others that have an interest in or who are users of the Australian domain name system.

Attachment B: Responses to Issues Paper**Table 1: Organisations/individuals who responded to the Issues Paper**

Academy of Design Australia
Academy of Professional Excellence
ACAS
Anzie Pty Ltd (RTO 21914)
AusRegistry
Banksia Park PS – Western Australia
Bayview College
Charles Darwin University
Council of Australian University Directors of Information Technology (CAUDIT)
Curtin University
Department of Education and Early Childhood Development (Victoria)
Department of Education, Training and Employment (Queensland)
Education Services Australia
Geraldton Senior College
International Career Institute
Luther College
Mercy Education Limited
Mr David Crowley
National Centre for Vocational Education Research
North Melbourne College
NorthEast Metro LDC
Queensland Catholic Education Commission
S P Jain School of Global Management
Sage Institute of Education
Salford College
St Peter's Anglican Primary School
The Graphic Design School Pty Ltd (RTO 91706)
The Imperial College of Australia
The Riverina Anglican College
Universities Australia
University Colleges Australia Incorporated
Victorian Association of Environmental Education