

## **POLICY 9: GUIDELINES FOR THE .EDU.AU REGISTRAR ON THE INTERPRETATION OF .EDU.AU POLICY RULES**

This document sets out procedural rules for the .edu.au Registrar on the interpretation of .edu.au policies.

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### **1. BACKGROUND**

- 1.1 It is the responsibility of the .edu.au Registrar to make decisions on registration in the .edu.au domain space in accordance with the provisions set out in the .edu.au Policy and Guidelines.
- 1.2 AICTEC is committed to ethical practices for the administration of the .edu.au domain space. The .edu.au Registrar shares the commitment through the legal agreement it has with the Commonwealth (on behalf of AICTEC) for its services for the domain. The .edu.au Registrar must work to:
  - a. operate in good faith and according to the practices and rules set out in the .edu.au policy documents;
  - b. conduct .edu.au business procedures in a professional manner, with no negligent or reckless actions resulting in the approval of a domain name application in breach of the relevant policy rules;
  - c. promote the confidence of users of the .edu.au domain space; and
  - d. advance the reputation and standing of the .edu.au domain space.

### **2. ELIGIBILITY AND ALLOCATION CRITERIA**

- 2.1 Policy 1: [.edu.au Policy and Governance Framework](#), Section 3, sets out the required conditions for eligibility for registration in the .edu.au domain.
- 2.2 The Eligibility criteria require the applicant to provide the relevant identification details for the .edu.au domain. .edu.au domain name licences may only be issued to recognised Australian education and training entities. These are:

- a. Recognised education and training institutions and providers operating in Australia; and
  - b. Associations and organisations whose primary purpose is the provision of education, training, research, special education projects (limited time frame) and/or related services in Australia, as set out in Policy 2: [.edu.au Eligibility Policy](#). An entity granted a .edu.au domain name licence is subsequently referred to as a 'registrant'.
- 2.3 The applicant is required to explain that the requested domain name should be allocated to them because it is either:
- a. an exact match of the applicant's name; or
  - b. an abbreviation or acronym of applicant's name; or
  - c. a close and substantial connection to the applicant.

### 3. DOMAIN NAME APPLICATIONS

- 3.1 The .edu.au Registrar will provide an application form for applicants.
- 3.2 The [Application Form](#) prompts the applicant to provide information that the .edu.au Registrar needs to make a responsible decision about whether or not the application meets the policy rules.
- 3.3 As a matter of best practice, the .edu.au Registrar has to make sure that it collects sufficient information to enable it to explain or justify its decision in the case of dispute, or if requested to do so by AICTEC.
- 3.4 The Application form includes a warranty statement that the applicant must sign at the time of application.
- 3.5 Each domain name application must be assessed on its own merits. It is not acceptable for the applicant merely to refer to previous decisions in order to support a claim.
- 3.6 The Registrar must comply with the Information Privacy Principles, outlined in the Privacy Act (Cth) 1988.
- 3.7 auDA's [Registrant Contact Information Policy \(Policy 2002-14\)](#), provides the policy on the collection and maintenance of registrant contact information in the registry database (known as 'contact objects') in the .edu.au domain space. The document sets out the information the .edu.au Registrar must enter for the contact objects, at the time the .edu.au domain name is registered.
- 3.8 The Registrar's responsibilities when assessing the eligibility of applicants for a .edu.au domain licence are as follows:
  - 1. acknowledgement of receipt of the application for registration;
  - 2. to check the applicant's eligibility according to the criteria listed in the Table of Recognised Education and Training Entities in Policy 2: [.edu.au Eligibility Policy](#) and the other .edu.au [Policy documents](#);
  - 3. if the requested domain name refers to an education project or programme, the Registrar must obtain proof from the applicant that

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the applicant is the owner or principal administrator of that educational project or programme, as set out in Policy 1, Section 3.1.

4. to make a decision on the application; and
5. to advise the applicant accordingly.

3.9 On receipt of an application from a university, the Registrar must:

- a. Check with the Department of Employment, Education and Workplace Relations (DEEWR) regarding the eligibility of the institution, as DEEWR regulates the use of the title 'university' on behalf of the Minister. Under the Corporations Law only bodies conforming with the definition would be able to use the term 'university' in their domain name.; and
- b. inform Universities Australia of the application.

#### **4. RULES FOR THE CLOSED 2LD, .EDU.AU**

4.1 Domain names are allocated on a "first come, first served" basis. Provided that the applicant meets the relevant Eligibility and Allocation policy criteria, the .edu.au Registrar may process the registration and issue a domain name licence to the applicant. The .edu.au Registrar is not required to decide whether or not the domain name potentially infringes the rights of a third party.

4.2 The .edu.au Registrar must check that the requested domain name:

- a. is from 2 to 63 characters long;
- b. contains only letters (a-z), numbers (0-9) or hyphens (-), or a combination of these;
- c. starts and ends with a letter or a number, not a hyphen;
- d. does not contain hyphens in the third and fourth position (eg. ab--cd.com.au); and
- e. does not fall into the category of Unacceptable Names listed below in Section 4.4.

4.3 Universities and bodies with national interests and responsibilities will be registered at the third level (anyname.edu.au). Vocational Education and Training (VET) institutions and training organisations as defined in Policy 2, who deliver education and training services in more than one state or territory, will be registered at the third level (anyname.edu.au), if they request it. If they do not specifically request it, they will be registered at the fourth level. All schools and pre-schools will be registered at the fourth level (anyname.anystate.edu.au). International delivery of education services by a state/territory based body does not in itself qualify for a third level domain name, unless an institution operates in more than one state/territory.

4.4 The .edu.au Registrar must also be aware that domain names may refer either to the name of the applying organisation or to an educational project of program:

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- i. Where a domain name refers to the name of the applying organisation, it must either:
  - a. exactly match the applying organisation's name; or
  - b. be substantially and closely connected to the name of the registrant's entity, or be an acronym or abbreviation of the registrant's entity name.
  - c. 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.
  - d. To the extent that many education and training institutions include geographic reference in their domain names, Australian geographic names will not be excluded.

4.5 The .edu.au Registrar may choose not to process a domain name registration if it breaches .edu.au policy. The following classes of names may not be registered in .edu.au:

- a. No two .edu.au domain names can be exactly the same.
- b. Personal names (Names which constitute the title of an educational institution are not regarded as 'personal names' eg 'Edith Cowan University'.)
- c. Names containing obscene or offensive language, or otherwise deemed by the Registrar as being likely to compromise the reputation of .edu.au.
- d. Names expressing a value judgement or political statement. For example, clevercountry.edu.au, nofees.edu.au or backtobasics.edu.au.
- e. Names which are included in auDA's Reserved List Policy: <http://www.ada.org.au/policies/ada-2008-03/> subject to the conditions set out below:

The auDA Board has determined that, as a general principle, the Reserved List for .au will contain only words and phrases that are restricted under Commonwealth legislation. The .edu.au Registrar must refer to auDA's Reserved List when considering an application for a .edu.au domain name. From time to time, auDA may update the Reserved List in line with any amended or new Commonwealth legislation, and to include any new gTLDs or ccTLDs. A registrant may license a domain name that contains a word or phrase on the Reserved List, provided they can demonstrate to AICTEC that they are authorised to do so under the relevant Commonwealth legislation.

4.6 Generic education and training words (eg school, teacher, principal, headmaster, student, vice-chancellor, academic, tutor, lecturer), or generic science words (eg research, science, gene, science-awareness) should not by themselves feature as 3LD or 4LD names in the .edu.au domain.

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As set out in Policy 1: .edu.au Policy and Governance Framework, the .edu.au Registrar is to assess each application on an individual basis, with reference to the overarching policy aims as well as reference to the Reserved List Policy (Policy 5). Lack of accordance with the overarching policy framework may lead to the rejection of an .edu.au domain name application for a reason not specifically set out in Policy 1.

- 4.7 As set out in auDA's Transfers (Change of Registrant) Policy (2008-08), the registrant may not 'sell' the domain name, because the registrant does not have a proprietary right in the domain name.
- 4.8 A registrant may transfer their domain name licence to another party, but only in circumstances set out in Policy 8: Transfers (Change of Registrant) Policy for .edu.au.

## **5. VERIFICATION OF APPLICANT ELIGIBILITY CRITERIA**

- 5.1 The .edu.au Registrar must verify the applicant's identification details to confirm that the applicant meets the eligibility criteria set out in the .edu.au Eligibility Policy (Policy 2).
- 5.2 It is the responsibility of all registrants, in accordance with their registration application and subsequent agreement, to ensure that they satisfy the relevant policy rules. To that end, the registrant is required to sign a Registrant Warranty Statement. Where an applicant has made a false warranty, or otherwise acted in bad faith in order to obtain the domain name licence, the .edu.au Registrar reserves the right to revoke the domain name licence.
- 5.3 The .edu.au Registrar is expected to act with integrity and use common sense in determining whether the applicant's warranty is bona fide. Under the terms and conditions of its Agreement with the .edu.au Registrar, AICTEC reserves the right to take action against the .edu.au Registrar where it has reasonable grounds to believe that the Registrar has acted negligently or recklessly in approving a domain name application in breach of the relevant policy rules.

## **6. .EDU.AU DOMAIN NAME RENEWALS**

- 6.1 Policy 1, Section 4, sets out the schedule and procedures for renewal payment, non-payment, expiry and deletion of .edu.au domain names. Policy 1, Section 4 also sets out the reasons for termination of the licence to use a .edu.au domain name. To process a .edu.au domain name renewal, the .edu.au Registrar must obtain confirmation from the registrant that their eligibility details are still current. If the registrant's details have not changed, the .edu.au Registrar is not required to perform any policy compliance checks and is entitled to rely on the registrant's warranty that they still meet the relevant policy rules.
- 6.2 If the registrant's details are no longer current, it may affect their eligibility to hold the domain name licence. The Registrar is therefore

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required to undertake some checks before they can process the renewal. The cases where this is most likely to occur are:

- a. Where an institutional or business name registration or accreditation has lapsed. If the registrant is able to re-register the same institutional business name, then the Registrar must simply verify that the re-registration has taken place. They do not need to perform any further policy compliance checks, because the registrant's name has not changed.
- b. Where an institution or company has been de-registered or a institutional or business name has been removed from the relevant accreditation list. The registrant is unable to resurrect the original basis for their .edu.au domain name registration, so they must provide entirely new eligibility details (e.g. a new institutional or business name). The Registrar must perform full policy compliance checks, because the registrant's new eligibility details may no longer have any connection with the .edu.au domain name.
- c. Where the organisation applying to register a domain name which refers to an education project or programme is no longer the owner or the principal administrator of that educational project or programme. (As set out in Policy 1, Section 3.1).) If the registrant cannot provide evidence that the organisation is still the owner or principal administrator of the educational project or programme, the organisation cannot renew the .edu.au domain name.

## **7. POLICY COMPLIANCE - ADVICE AND MONITORING**

- 7.1 An initial task for the .edu.au Registrar is to provide AusRegistry with database entry documentation, setting out the entry fields required to demonstrate the validity of a domain name registered in the .edu.au domain.
- 7.2 The .edu.au Registrar must keep the Registry informed of any subsequent amendments to the data base fields for the .edu.au domain, approved by AICTEC.
- 7.3 The .edu.au Registrar must record the relevant Proforma documentation for each domain name registration in the registry database.
- 7.4 The .edu.au Registrar must also set up a Rejections Register, and update as required.
- 7.5 The .edu.au Registrar's implementation of the procedures listed in 7.1-7.4 will enable AICTEC to:
  1. monitor the Registrar's performance through random audits of the registry records; and
  2. undertake a full investigation if it receives a complaint or is otherwise notified that the .edu.au Registrar is not performing policy compliance checks with due care and integrity.

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- 7.6 As manager of the .edu.au domain, AICTEC has to preserve the policy integrity of the .edu.au domain, and intends to fulfil that responsibility by:
- a. regular consultation with the Registrar;
  - b. formal notification to the Registrar of policy developments and amendments;
  - c. providing advice and guidance to the .edu.au Registrar through policy compliance checks; and
  - d. conducting random audits of .edu.au domain name registry records on a regular basis.
- 7.7 The .edu.au Registrar may contact AICTEC at any time for advice and assistance. AICTEC's intention is that these guidelines will be revised and updated from time to time to reflect the experience of the .edu.au Registrar in dealing with registrants. AICTEC welcomes and encourages feedback from the .edu.au Registrar about the usefulness of these guidelines in particular, as well as the level of support and assistance received from AICTEC.

## **8. REVIEW OF GUIDELINES**

- 8.1 From time to time, AICTEC may update this document for the purposes of clarification or correction, or to maintain consistency with auDA published policies. The .edu.au Registrar must comply with any variations of procedures or practices under this document on notification.

## **9. DISPUTE RESOLUTION POLICY - REGISTRAR OBLIGATIONS**

- 9.1 auDA's [Dispute Resolution Policy \(auDRP\) \(2008-01\)](#) .au applies to the .edu.au domain space. All auDRP proceedings are administered by an independent, auDA approved provider of dispute resolution services. The process for becoming an Approved Provider under the auDRP is set out in auDA's [Approval Process for .auDRP Providers Policy \(2008-02\)](#). The .edu.au Registrar's obligations in the auDRP are set out in auDA's [Dispute Resolution Policy \(auDRP\) - Clarification of Registrar Obligations \(2003-01\)](#). The .edu.au Registrar is not required to participate in the proceeding, nor does the .edu.au Registrar bear any liability for the outcome of the proceeding. Nevertheless, the .edu.au Registrar is required to cooperate with the auDRP provider to ensure the efficiency and effectiveness of the proceedings.
- 9.2 On commencement of the administrative proceedings, the provider will send a copy of the complaint to the .edu.au Registrar. The provider may contact the .edu.au Registrar prior to commencement of a proceeding, for example in order to confirm contact details for the registrant. The Registrar is permitted to disclose registrant contact information to a provider for the purpose of achieving notice of the auDRP proceeding to the registrant.
- 9.3 On receipt of a copy of the auDRP complaint, the Registrar must request AusRegistry to place a server lock on the domain name(s) in question. The

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Registrar must send the request to AusRegistry within 24 hours of receiving a copy of the auDRP complaint.

- 9.4 When a decision has been made, the provider will send a copy of the decision to the Registrar. There are three possible outcomes:
- a. If the decision is that the registrant may continue to hold the .edu.au domain name, the Registrar must request AusRegistry to remove the server lock.
  - b. If the decision is that the registrant must transfer the domain name to the complainant, the Registrar must wait 10 business days before implementing the decision. The Registrar must immediately communicate to the complainant, the registrant, the provider and AICTEC the actual date on which the decision will be implemented. After 10 business days, the Registrar must request AusRegistry to remove the server lock and then process the transfer, unless paragraph 9.5 below applies.
  - c. If the decision is that the domain name must be deleted, the Registrar must wait 10 business days before implementing the decision. The Registrar must immediately communicate to the complainant, the registrant, the provider and AICTEC the actual date on which the decision will be implemented. After 10 business days, the Registrar must request AusRegistry to remove the server lock and then delete the .edu.au domain name, unless paragraph 9.5 below applies.
- 9.5 In relation to paragraphs 9.4, a) and b) above, if the Registrar has received within the 10 day period official documentation that the registrant has commenced legal action against the complainant, then the Registrar must take no further action until the legal action is resolved.
- 9.6 The Registrar may contact the AICTEC Secretariat for advice or assistance in fulfilling their obligations under the auDRP.

## **10. .EDU.AU COMPLAINTS POLICY**

- 10.1 The .edu.au Complaints Policy (Policy 6) covers the handling of complaints made by registrants and other members of the public about the .edu.au Registrar. AICTEC carries out the required procedures. The Policy stipulates that before making a formal complaint, complainants must try to resolve the problem directly with the .edu.au Registrar, allowing a reasonable period of time for the Registrar to respond. If this step is not taken, AICTEC will not investigate the complaint.
- 10.2 When a complaint is received, education.au limited<sup>1</sup> must notify the AICTEC Secretariat. The complaint is then referred to the education.au limited internal review officer, who will seek to resolve the complaint within 10 days. After 10 days, AICTEC must be notified of the outcome of the review. If the

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<sup>1</sup> As of 1 March 2010 education.au Limited has merged with Curriculum Corporation to form Education Services Australia. See [www.esa.edu.au](http://www.esa.edu.au) for more information.



complaint/dispute is not settled, it will be referred to the AICTEC Secretariat which will arrange for further review and resolution.

- 10.3 Where a person believes that a registrant is not eligible to hold a .edu.au domain name licence, that person may contact the .edu.au Registrar. Complaints about the eligibility of a registrant to hold a domain name licence in the .edu.au domain space are to be dealt with according to the provisions listed in Policy 7: Complaints (Registrant Eligibility) Policy.

## **11. REGISTRANT WARRANTY STATEMENT**

- 11.1 It is the responsibility of all registrants, in accordance with their registration application and subsequent agreement, to ensure that they satisfy the relevant policy rules. To that end, the registrant is required to warrant to the .edu.au Registrar that they satisfy the rules.
- 11.2 Registrars will use the warranty text provided below in their domain name application form:

*By submitting this Application Form, you (the .edu.au Registrant):*

- *warrant that all the information contained in this Application Form, and all supporting documents provided to the .edu.au Registrar, are true and accurate to the best of your knowledge;*
- *give the .edu.au Registrar permission to contact third parties, investigate, request and obtain additional information and documentation, and otherwise verify the information contained in this Application Form; and*
- *waive liability on the part of the .edu.au Registrar for its actions in verifying the information provided in this Application Form, and on the part of any third parties who provide truthful, material, relevant information about you;*
- *waive liability on the part of the .edu.au Registrar if your application is accepted or rejected on the basis of any false or misleading information contained in this Application Form;*
- *warrant that if the application refers to an educational project or programme, you are the owner or principal administrator of that educational project or programme;*
- *acknowledge that if your application is accepted on the basis of any false or misleading information contained in this Application Form, AICTEC reserves the right to cancel your domain name licence at any time; and*
- *acknowledge that your entitlement to a .edu.au domain name may be challenged by a third party with legitimate rights in the .edu.au domain namespace.*



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