

.com.au domain name eligibility criteria

In Australia the organisation that administers the domain name regime is .au Domain Administration Ltd (auDA). The Commonwealth Government holds reserve powers to regulate domain names under the *Telecommunications Act 1997* (Cth). The auDA also regulates Australian domain name registrars.

No property in a domain name

There are no proprietary rights in a domain name. In Australia, a registrant holds a license to use the domain name for a minimum of two years and is subject to the terms of the license agreement.

First come first served and the hierarchy of rights

Domain names are allocated according to a first come first served basis, provided that the party wishing to register the domain name (**the Registrant**) meets the eligibility criteria. It is an urban myth that a trademark trumps a business name, or that a registered company name trumps a business name. Unlike reserving a company name, it is not possible to 'reserve' a domain name.

Eligibility criteria

auDA publishes domain name eligibility and allocation rules for 2LD's. Generally, cogate provisions apply to eligibility criteria for .com.au, .edu.au, .net.au, .asn.au, .id.au, and .org.au.

It is possible for a Registrant to register multiple 2LD domain names provided they meet the eligibility criteria.

Registrant characteristics

The following criteria apply to Registrants of 2LD's - the Registrant must be:

- trading under a business name registered in any State or Territory of Australia;
- an Australian partnership;
- the owner or applicant for an Australian Registered Trademark;
- an incorporated Association or an Australian Statutory body registered in any Australian State or Territory;
- a foreign company licensed to trade in Australia; or
- an Australian Registered Company.

Domain names must be:

- an **exact match, abbreviation or acronym** of the Registrant's name or trademark; or
- **closely and substantially connected** to the Registrant.

Things to avoid

Don't make any false warranty's when applying to register a domain name. auDA has the right to revoke the domain name license. Additionally a Registrant must not register a domain name for the sole purpose of resale.

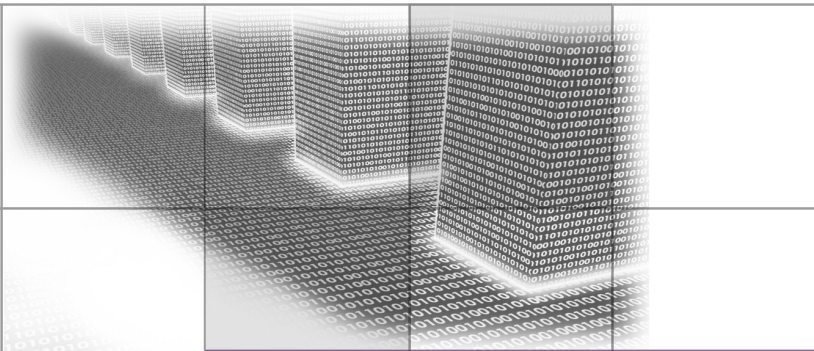
Domain name disputes

If you believe that you have a dispute in relation to a domain name, contact one of Rostron Carlyle's IT & Software Development Lawyers mentioned above.

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Associate

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IT & Software Development

IT & Software Development Practice

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- click through performance agreements
- domain name disputes
- managed services agreements
- outsourcing agreements
- software development agreements
- software license agreements
- software installation, supply, and support agreements
- systems integration agreements
- service agreements
- software distribution agreements
- support agreements
- system integration agreements
- support agreements
- terms and conditions of business
- traffic sharing agreements
- SPAM Reporting

Our IT & Software Development Team



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