

2015-05 UNAUTHORISED REGISTRIES POLICY

Policy Number	2015-05
Publication Date	01/07/2015
Status	Current

Background	This policy outlines how the edu.au Domain Administration Committee (eDAC) will deal with unauthorised registries that are discovered operating in the edu.au domain.
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1 WHAT IS AN UNAUTHORISED REGISTRY

- 1.1 An unauthorised registry is where an entity registers an edu.au domain name and then creates multiple domain names linked to that registered domain name which are neither approved by the edu.au Registrar (“the Registrar”) nor registered in the edu.au official Registry.

2 NOTICE TO COMPLY

- 2.1 If an unauthorised registry is discovered operating within the edu.au domain, the eDAC Secretariat must as soon as practicable seek eDAC’s direction on whether a notice to comply should be issued to the unauthorised registry.
- 2.2 If eDAC is satisfied that the entity is operating an unauthorised registry it must issue a Notice to Comply. The Notice to Comply must direct the registrant that is operating the unauthorised registry to:
- a) Pay to the Registrar domain name registration fees for all domain names in the unauthorised registry (Note that no refunds will be given for domain names that ultimately are not migrated); and
 - b) Lodge with the Registrar a plan to migrate all domain names within the unauthorised registry to the official edu.au Registry (a Migration Plan).

3 COMPLIANCE

- 3.1 The registrant that is operating the unauthorised registry has 30 days to comply with the Notice to Comply, unless otherwise specified in the Notice to Comply.
- 3.2 The Registrar may negotiate an extension of the compliance period by negotiation with the registrant.

4 MIGRATION PLAN

- 4.1 The Migration plan must be approved by the Registrar. The Registrar will only approve the Migration plan if it outlines a clear process to achieve full migration within 90 days of its approval.

5 CONSEQUENCES OF FAILURE TO COMPLY

- 5.1 If the registrant that is operating of the unauthorised registry fails to comply with the Notice to Comply the Registrar must:
- a) Submit a request to the official Registry to suspend the domain name(s) for a period of 14 days; and
 - b) Submit a request to the registrant to provide information as to why the cancellation of the domain name(s) should not proceed.
- 5.2 The Registrar must use reasonable endeavours to contact the registrant (for example, if an email bounces, the Registrar should attempt to contact the registrant by phone, mail or fax).
- 5.3 If the registrant provides acceptable information as to why the domain name should not be cancelled, or provides a plan for the migration of names within the unofficial registry within the 14 day period, the Registrar must revoke the suspension.
- 5.4 If the registrant does not provide acceptable information or a migration plan within the 14 day period, or does not respond to the Registrar's request, the Registrar must terminate the domain name licence.

6 COMMENCEMENT OF MIGRATED DOMAIN NAMES

- 6.1 The commencement date for the migrated domain names will be the date at which the domain name fees are paid for the domain names in the unauthorised registry.