

2015-08 EDU.AU TRANSFERS (CHANGE OF REGISTRANT) POLICY

Policy Number	2015-08
Publication Date	01/07/2015
Status	Current

Background	<p>This document sets out policy on the transfer of a domain name licence from one edu.au registrant to a proposed new edu.au registrant, which has the effect of changing the name of the registrant as listed in the registry database.</p> <p>One of the fundamental policy principles in the edu.au domain is that domain names are allocated on a 'first come, first served' basis to registrants that meet the relevant eligibility criteria. If a registrant is not entitled to hold a domain name licence (either under edu.au policy or applicable rules of law), or has no further use for the domain name, then the registrant should request the edu.au Registrar ("the Registrar") to arrange de-registration. The released domain name will then be available for registration by another eligible registrant on a first come, first served basis.</p> <p>However, it is recognised that in some instances the registrant may be required to transfer the domain name licence to another party, for example, by operation of law. This document sets out a limited set of circumstances under which an edu.au registrant may transfer their domain name licence.</p> <p>This document does not detail the technical steps required to change the registrant in the registry database. This information is available to the Registrar through the registry.</p>
-------------------	--

1 TERMINOLOGY

1.1 This policy uses the following terms:

- a) "proposed new registrant" means the entity or person to whom the registrant proposes to transfer their domain name licence; and
- b) "written request for transfer" means a request for transfer submitted to the Registrar by letter, facsimile, email or online form (request by telephone is not acceptable) that provides details of the transfer circumstances (listed in Section 2.1).

2 CIRCUMSTANCES OF TRANSFER

2.1 An edu.au registrant may transfer their domain name licence to a proposed new registrant if:

- a) the proposed new edu.au registrant is eligible to hold the edu.au domain name according to the edu.au eligibility and allocation rules; and
- b) the transfer does not breach the prohibition on the sale of domain name licences set out in the *edu.au Mandatory Terms and Conditions Policy*; and
- c) One of the following circumstances applies:

- i. the domain name is used within the operations of the registrant and either the registrant or the operations are acquired by, merged into, devolved to or joined with the operations of the proposed new registrant; or
- ii. the registrant, being a legal entity, is dissolved, liquidated, enters into administration or is wound up with the consequence of the registrant's licence passing to the proposed new registrant by operation of law; or
- iii. the registrant, being a natural person, dies, becomes insane or enters into a deed of family settlement with consequence of the registrant's licence passing to the proposed new registrant by operation of law; or
- iv. the registrant is required to relinquish the licence to the proposed new registrant by order of a competent arbitrator, tribunal, court or legislative body; or
- v. the registrant has entered into an agreement to transfer the licence to the proposed new registrant in settlement of a dispute between the parties, as evidenced by a deed of settlement.

2.2 A request for transfer of an edu.au domain name licence that does not qualify under Section 2.1 must be denied by the Registrar. In the event that the registrant is unable or no longer eligible to hold the domain name, then the licence must be surrendered and the edu.au domain name deleted from the registry under the normal deletion process.

2.3 Where a request for transfer has been denied, the registrant has recourse to the edu.au domain complaints-handling process as described in the *edu.au Complaints Policy*.

3 TRANSFER PROCESS

3.1 To process the transfer of a domain name licence, the Registrar must:

- a) receive a written request for transfer (as defined in Section 2.1) from an authorised representative of the current registrant entity;
- b) obtain documentary evidence in verification of the circumstances relied upon in Section 2.1 (e.g. copy of deed of settlement); and
- c) obtain confirmation of the request for transfer from both an authorised representative of the current registrant and the proposed new registrant.

3.2 The current registrant is not entitled to be reimbursed by the Registrar for the unused portion of their domain name licence.

3.3 The proposed new registrant must pay the standard application fee upon presentation of an invoice by the Registrar.

3.4 The Registrar must keep full records of the transfer for inspection by the edu.au Domain Administration Committee (eDAC) on demand, including copies of the written request for transfer, documentary evidence and the confirmation from the registrant contact and proposed new registrant.

3.5 The transfer will result in a new 2 year edu.au domain name licence being issued to the proposed new registrant.