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

Final Report

Prepared by: the edu.au Domain Administration Committee (eDAC)
Secretariat on behalf of eDAC.

April 2015

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Forward

10 April, 2015

Mr Tony Staley
Chair
auDA

Dear Mr Staley

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

It is with much pleasure that I forward you this report on the outcome of the review the edu.au Domain Administration Committee (eDAC) has undertaken of the Domain's governance arrangements and eligibility and allocation policies. This review has been undertaken in accordance with Section 5.1 of auDA's policy *2014-04 - Interim Governance Arrangements for the edu.au 2LD*.

The review has involved wide consultation with relevant stakeholders in the Australian education and training sector. The review received a relatively low number of responses to both the Issues Paper and the Discussion Paper issued by eDAC. In both cases, relatively few substantive issues were raised.

This indicated to eDAC that edu.au domain stakeholders were broadly happy with current arrangements and policy and the recommendations proposed by eDAC.

After carefully considering the stakeholder response to the Issues Paper and the draft recommendations outlined in the Discussion Paper, eDAC proposes only a few significant changes to current policy. Nonetheless, these changes are expected to result in a significant streamlining of current policy that will improve the transparency and clarity of domain eligibility and allocation. Further, the proposed new Pricing Policy will enhance the transparency of domain pricing to stakeholders, which is an important consideration in a closed domain with a single Registrar.

In implementing the proposed recommendations, eDAC intends to take the approach outlined in [Attachment A](#).

In accordance with section 3.1 of auDA's policy *2014-04 - Interim Governance Arrangements for the edu.au 2LD*, eDAC now seeks auDA's ratification of:

- The recommendations of this Final Review Report; and
- The implementation approach outlined in [Attachment A](#).

Yours sincerely



Derek Whitehead
Chair, edu.au Domain Administration Committee

Executive Summary

The edu.au Domain Administration Committee (eDAC) has undertaken 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.

This final report provides auDA with eDAC's recommendations arising from the review.

The review has been undertaken following the establishment of new governance arrangements for the edu.au domain in 2014. These arrangements involved legal responsibility for edu.au reverting back to auDA at the end of the term of the then Sub-Sponsorship Agreement (30 June 2014). To support the ongoing operation of the domain, auDA implemented a policy titled *2014-04 - Interim Governance Arrangements for the edu.au 2LD*, which came into effect on 1 July 2014. auDA also entered into interim contractual arrangements with the edu.au Registrar (Education Services Australia).

Section 5.1 of that interim policy requires eDAC to undertake a public review of the governance arrangements for edu.au and the edu.au domain name eligibility and allocation policies before 30 June 2015.

The review has involved eDAC publishing:

- an [Issues Paper](#) on 22 August 2014, with submissions closing on 3 October 2014; and
- a Discussion Paper in early December 2014, with submissions closing on 27 January 2015.

The review and both papers were widely publicised, with a [review webpage](#) being established on the edu.au Registrar's website and email notifications being sent to around 11 000 stakeholders in the Australian education and training sector and more broadly.

A modest response was received to the Issues Paper, with thirty four (34) submissions being received. These submissions raised a relatively low number of issues. Further, there was a low response to the Discussion Paper, with eDAC receiving only 14 valid submissions. These submissions raised few substantive issues with the recommendations put forward by eDAC.

This indicated to eDAC that edu.au domain stakeholders were:

- broadly happy with current governance arrangements and the eligibility and allocation policies; and
- broadly happy with the recommendations put forward by eDAC in the Discussion Paper.

Following consideration of the responses to the Discussion Paper, eDAC puts forward the following recommendations to auDA for its ratification in accordance with Clause 3.1 of auDA's policy *2014-04 - Interim Governance Arrangements for the edu.au 2LD*:

#	Recommendation
1	That no changes be made to the arrangements for the management of edu.au domain policy by eDAC, nor the composition of eDAC.
2	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	That no changes be made to the registrar arrangements for the edu.au domain.
4	That auDA make the current interim governance arrangements permanent.

#	Recommendation
5	<p>That a formal, published pricing policy be established where:</p> <ul style="list-style-type: none"> 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.
6	<p>That the current eligibility policy be restructured and simplified by dividing eligibility types into two categories:</p> <ul style="list-style-type: none"> 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.
7	<p>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:</p> <ul style="list-style-type: none"> 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 in a standard form the details of two referees which are unrelated entities that currently hold an edu.au licence, with one of those referees providing a reference that: <ul style="list-style-type: none"> 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. <p>The Registrar is able to contact the second referee if it considers it necessary to further validate 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.</p>
8	<p>That eligibility policy be amended to:</p> <ul style="list-style-type: none"> 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.
9	<p>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 or governing body is provided.</p>
10	<p>That the current allocation policy be amended to clarify that the Registrar does not need to assess whether a project or program is educational in nature.</p>

#	Recommendation
11	That no policy change is required in relation to the current allocation rule <i>'first come, first served'</i> .
12	That no change is required to the policy rules controlling the level of edu.au domain name that different applicant types can register.
13	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.
14	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.
15	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.
16	That the current rules in Policy 10 – edu.au Mandatory Terms and Conditions regarding prohibitions on the redirection of domain names be clarified to assist the reader in understanding the scope of the clause relating to redirects.
17	That the policy amendments arising from this review be implemented using the approach outlined in Attachment A .

1 Purpose

The edu.au Domain Administration Committee (eDAC) undertook 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.

This final report provides auDA with eDAC's recommendations arising from the review.

1.1 Background

This review has been undertaken following the establishment of new governance arrangements for the edu.au domain in 2014. These arrangements were put in place as a consequence of the decision of the Australian Government in late 2013 to disband the Australian Information and Communications Technology in Education Committee (AICTEC). AICTEC had been responsible for the closed domain since 2001 under a Sub-Sponsorship Agreement (SSA) with auDA.

The new governance arrangements involved legal responsibility for edu.au reverting back to auDA at the term of the SSA (30 June 2014). To support the ongoing operation of the domain, auDA implemented a policy titled *2014-04 - Interim Governance Arrangements for the edu.au 2LD*, which came into effect on 1 July 2014. auDA also entered into interim contractual arrangements with the edu.au Registrar (Education Services Australia).

Section 5.1 of that interim policy requires eDAC to undertake a public review of the governance arrangements for edu.au and the edu.au domain name eligibility and allocation policies before 30 June 2015. Section 3.1 of the interim policy authorises eDAC to make policies for the edu.au domain, subject to them being ratified by auDA.

The focus of the review undertaken by eDAC was 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 financially 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.

eDAC considered that the review was considered timely as it has offered 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 have obtained gTLDs – e.g. .bond (Bond University Limited), .latrobe (La Trobe University) and .courses and .study (both by Open Universities Australia Pty Ltd). Some non-Australian gTLDs that have been approved by

ICANN 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).

1.2 Review Methodology

1.2.1 Issues Paper

The review commenced with eDAC publishing an [Issues Paper](#) on 22 August 2014, with submissions closing on 3 October 2014.

The Issues Paper indicated that the review was concentrated 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 Issues Paper indicated that the following policies and rules were considered to be beyond the scope of the review:

- 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.

The review and the Issues Paper was widely publicised, with a [review webpage](#) being established on the edu.au Registrar's website and email notifications being sent to over 11 000 bodies through the edu.au Registrar (domain name licence holders and contacts), auDA (auDA members mailing list and auDA general announcements list) and the eDAC Secretariat (sundry peak bodies in the education and training sector). Email reminders were sent during the consultation period.

A modest response was received to the Issues Paper, with thirty four (34) submissions being received. These were published on the [review webpage](#), except for two which were confidential.

Overall, there was a relatively low number of issues raised. This indicated to eDAC that domain stakeholders were broadly happy with current governance arrangements and the eligibility and allocation policies.

The exception was the Registrar (Education Services Australia), which raised a range of issues. The Registrar's submission indicated that there were a number of areas where policy clarity could be improved to streamline the Registrar's decision making processes and to improve the integrity of the domain.

1.2.2 Discussion Paper

eDAC considered the responses to the Issues Paper and then prepared a [Discussion Paper](#) which contained an analysis of, and draft recommendations on, key issues raised in the Issues Paper and by stakeholders. The Discussion Paper was publicly released in early December 2014, with submissions closing on 27 January 2015.

As for the Issues Paper, the Discussion Paper was widely publicised, with email notifications being sent to around 11 000 bodies. Email reminders were sent during the consultation period.

Overall, there was a low response rate to the Discussion Paper, with eDAC receiving only 14 valid submissions. These were published on the [review webpage](#), except for two which were confidential.

There were very few substantive issues raised in relation to eDAC's draft recommendations contained in the Discussion Paper. A number of submissions indicated that the respondents did not support certain recommendations without giving any underlying rationale to explain why the recommendation was not supported.

This confirmed for eDAC that domain stakeholders were broadly happy with the recommendations contained in the Discussion Paper.

2 Review Recommendations

This section outlines eDAC's recommendations arising from the review, together with a broad outline of the issues raised during the consultation process relevant to each recommendation.

2.1 Governance and Administration Arrangements

2.1.1 Domain Policy

Recommendation	R1. That no changes be made to the arrangements for the management of edu.au domain policy by eDAC, nor the composition of eDAC.
Comments	<p>Respondents were generally satisfied that eDAC was the most appropriate mechanism to manage the policy and administration of the edu.au domain.</p> <p>While a number of respondents to the Issues Paper made suggestions on the membership of eDAC, eDAC concluded that there was no strong case for change as the current composition of eDAC ensures the different points of view of the key sub-sectors of the Australian education and training sector are broadly represented.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.</p>

Recommendation	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.
Comments	<p>One respondent to the Issues Paper suggested that the representation of the Higher Education sector be reviewed. eDAC noted that the sector is potentially facing significant change as a result of reforms proposed by the Australian Government.</p> <p>As a result, eDAC considered that it is not appropriate to amend the representation of that sector at this stage. Rather, eDAC proposed that it 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.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it. One respondent, ACPET, stated that:</p> <p><i>...it is important that the composition of eDAC includes all sub-sectors of education. For example, there should be not favouritism towards Higher Education in terms of representation regardless of reform outcome.</i></p>

2.1.2 Registrar

Recommendation	R3. That no changes be made to the registrar arrangements for the edu.au domain.
Comments	<p>Respondents to the Issues Paper were generally satisfied with the current arrangements for an edu.au Registrar.</p> <p>Two respondents suggested that competition in registrars should be considered.</p> <p>eDAC acknowledged the potential benefits that a competitive market could bring in minimising prices and ensuring quality services. However, it was 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. Furthermore, its recommendation in relation to pricing (see Recommendation 5) is designed to manage the pricing risks that arise from having a single registrar.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it, with ACPET observing that:</p> <p><i>It is vital to have a single registrar for the edu.au domain to avoid confusion, duplication and provide consistency. ACPET finds the current registrar informative and easy to navigate. The risks associated with the introduction of a competitive model would not outweigh any benefits derived from this action.</i></p>

2.1.3 Interim Governance Arrangements Policy

Recommendation	R4. That auDA make the current interim governance arrangements permanent.
Comments	<p>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.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.</p>

2.1.4 Domain name pricing

Recommendation	<p>R5. That a formal, published pricing policy be established where:</p> <ol style="list-style-type: none"> 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.
Comments	<p>Generally respondents to the Issues Paper 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.</p> <p>eDAC observed that it was 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.</p> <p>eDAC noted that the current approach to pricing was not enshrined in edu.au policy. To improve the transparency of pricing policy, eDAC</p>

	<p>recommended in the Discussion Paper that a formal, published pricing policy be established.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.</p> <p>The approach to pricing policy that was outlined in the Discussion paper would require eDAC to:</p> <ul style="list-style-type: none"> • 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). <p>In its response on the Discussion Paper, the Registrar proposed a modification to this approach. Specifically, the Registrar proposed that the independent external auditing of an internal pricing review should only be required if that internal review indicates recommends a pricing change.</p> <p>eDAC concluded that it should accept this suggestion, and agreed that the policy should give eDAC the flexibility to call for an external pricing audit/review where circumstances require it. eDAC noted that this did not require amendment of the recommendation in the Discussion Paper, but should be achieved within the approach to implementing the Review outcomes.</p>
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2.2 edu.au Domain Eligibility and Allocation Requirements

2.2.1 Eligibility Rules

Eligibility Types

Recommendation	<p>R6. That the current eligibility policy be restructured and simplified by dividing eligibility types into two categories:</p> <ol style="list-style-type: none"> 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.
Comments	<p>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.</p> <p>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.</p> <p>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 eligibility entities would no longer be eligible.</p> <p>eDAC was not convinced 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 observed that there is scope to restructure and simplify current eligibility policy to improve the understanding of stakeholders and to clarify eligibility boundaries.</p>

	<p>As a result, eDAC recommended in the Discussion Paper that the current eligibility policy be restructured and simplified by dividing eligibility types into two categories:</p> <ol style="list-style-type: none"> 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. <p>eDAC proposed 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.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.</p> <p>One respondent suggested that the eligibility requirements specifically identify English Language Intensive Courses for Overseas Students (ELICOS) providers. eDAC agreed that, while ELICOS providers were eligible under a number of categories, transparency for these providers should be improved by clarifying their eligibility status in the proposed Registration Policy.</p>
<p>Recommendation</p>	<p>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:</p> <ol style="list-style-type: none"> 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 in a standard form the details of two referees which are unrelated entities that currently hold an edu.au licence, with one of those referees providing a reference that: <ol style="list-style-type: none"> 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. <p>The Registrar is able to contact the second referee if it considers it necessary to further validate 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.</p>
<p>Comments</p>	<p>This recommendation followed on from eDAC's considerations in relation to recommendation 7.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.</p> <p>One respondent (the edu.au Registrar) submitted that there was a case for requiring more than one referee for applications from entities where there is no appropriate accreditation/registration authority.</p> <p>As a result, eDAC amended the recommendation contained in the Discussion Paper to require applicants to provide, in addition to the referee that provides the required warranty, a second referee (which must be an unrelated entity that currently holds an edu.au licence) that</p>

	the Registrar can contact if it considered it necessary to further validate 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.
Recommendation	R8. That eligibility policy be amended to: <ul style="list-style-type: none"> 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.
Comments	This recommendation also followed on from eDAC's considerations in relation to recommendation 7. The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.

Eligible Entities

Recommendation	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 or governing body is provided.
Comments	A significant number of respondents to the Issues Paper indicated that the current eligibility rules are appropriate. A number cautioned against loosening the current rules, with one commenting ' <i>Entities that are currently not eligible are ineligible for good reason, and have access to other more suitable domain names.</i> ' There were several suggestions for policy change, however eDAC did not consider them to be persuasive except for a proposal by the Registrar. Specifically, eDAC agreed to recommend 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 or governing body is provided. eDAC considered that there would be a low risk to the edu.au domain integrity arising from the granting of such licences prior to formal accreditation. The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.

Projects and Programs

Recommendation	R10. That the current allocation policy be amended to clarify that the Registrar does not need to assess whether a project or program is educational in nature.
Comments	A significant number of respondents to the Issues Paper 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 noted the edu.au Registrar's submission relating to the difficulties it experiences in allocating domain names for projects or

	<p>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: <i>“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.”</i></p> <p>eDAC concluded 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.</p> <p>Accordingly, eDAC recommended in the Discussion Paper 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.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.</p>
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Related Services and Research

Recommendation	See Recommendation 7
Comments	<p>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.</p> <p>eDAC observed 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 considered that:</p> <ul style="list-style-type: none"> • 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. <p>eDAC concluded that its 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.</p>

2.2.2 Allocation Rules

First come, first served

Recommendation	R11. That no policy change is required in relation to the current allocation rule <i>'first come, first served'</i> .
Comments	In general respondents to the Issues Paper strongly supported the current allocation approach of <i>'first come, first served'</i> for domain names. The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.

Domain name level

Recommendation	R12. That no change is required to the policy rules controlling the level of edu.au domain name that different applicant types can register.
Comments	Several issues were raised by respondents to the Issues Paper regarding the rules controlling the level of edu.au domain name that different types of eligible entities can register. However, eDAC concluded that there was no persuasive evidence presented to justify changes to the current policy rules. The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it. While supportive of the current policy rules, the Registrar submitted that eDAC consider making a number of wording changes to improve their clarity. eDAC concluded that no change was required to this recommendation as this suggestion can be dealt with in the approach to implementing the Review outcomes as outlined in Attachment A .

Recommendation	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.
Comments	A respondent to the Issues Paper submitted that it was inequitable that the rules controlling the level of edu.au domain name fail to make any reference to non-university higher education providers (NUHEPs), which are neither universities, TAFEs nor RTOs. Consistent with its considerations in relation to Recommendation 2, eDAC observed that the higher education sector is currently facing significant change as a result of reforms proposed by the Australian Government. Accordingly, eDAC considered that it was prudent to wait for these reforms to unfold before addressing the issue raised by the respondent. The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.

Composition of a domain name

Recommendation	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.
Comments	Respondents to the Issues Paper generally indicated that there should be no change to the rules requiring that there be a direct link between

	<p>the name of the applying entity (or related project or program) and the proposed edu.au domain name.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.</p> <p>One respondent (the edu.au Registrar) submitted that the policy would benefit from clarifying what type of evidence is sought by the Registrar when determining the link between the name of the applying entity (or related project or program) and their proposed edu.au domain name. The Registrar indicated that it accepts applicant's registered business names, trading names or trademarks (amongst other things) as evidence that the applicant meets the current policy requirements.</p> <p>eDAC agreed with this suggestion, however concluded that no change was required to the recommendation as this clarification can be dealt with in the approach to implementing the Review outcomes as outlined in Attachment A.</p>
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Restricted or Unacceptable Words and Terms

Recommendation	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.
Comments	<p>Most of the respondents to the Issues Paper who commented on the current rules relating to restricted or unacceptable words and terms indicated that there should be no change to the current rules governing these matters.</p> <p>However, one respondent (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.</p> <p>eDAC considered this suggestion to be 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 the current rules seemed to indicate that there is not a demand for this degree of policy change. For this reason, eDAC was not persuaded that policy change is warranted at this stage.</p> <p>The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.</p>

2.3 Other Issues

Recommendation	R16. That the current rules in Policy 10 – edu.au Mandatory Terms and Conditions regarding prohibitions on the redirection of domain names be clarified to assist the reader in understanding the scope of the clause relating to redirects.
Comments	<p>One respondent to the Issues Paper (the Queensland Department of Education, Training and Employment) suggested that the rule regarding redirection of domain names (Policy 10, Clause 2.1(g)(iii)) needs clarification.</p> <p>Specifically, it queried whether this rule should be absolute or whether some redirections should be considered legitimate and not a breach of the mandatory terms and conditions. The respondent provided the example of a school library that purchases a library service from a third</p>

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 it would appear such redirection is prohibited under the current rules.

eDAC observed that the current rule is intended to prevent scamming or 'phishing' type activities.

Consequently, eDAC recommended that the current wording of the rules in Policy 10 regarding prohibitions on the redirection of domain names be reviewed.

The majority of responses to the Discussion Paper that commented on this recommendation broadly supported it.

Following advice from the edu.au Registrar, eDAC concluded that the current Policy 10 does not prevent the use of redirects where the redirection of domain names could not be considered to undermine the integrity of the edu.au domain. Specifically, the Registrar advised that the current wording only prohibits automatic redirections – it does not prohibit domain name licence holders from including within their sites redirections to other services that are voluntarily activated by visitors to that site.

Further, the Registrar advised that it has not had to undertake any action against domain name licence holders under this provision since ESA resumed the Registrar role in 2012.

Accordingly, eDAC concluded that it is not considered necessary to amend Policy 10 in relation to this matter. However, it recommends that the current policy be clarified by including a footnote that assists the reader in understanding the scope of the clause relating to redirects.

3 Next Steps

Following auDA ratification of the recommendations of this review under Clause 3.1 of auDA's policy *2014-04 - Interim Governance Arrangements for the edu.au 2LD*, eDAC proposes to revamp the current Policies 1 and 2 using the approach outlined in Attachment A. This will result in a significant streamlining of current eligibility and allocation policy that will improve the transparency and clarity of domain eligibility and allocation policy. As a result of this approach, some non-material modifications will be required to the other edu.au Policies.

Attachment A

Proposed approach to revamping current policies

Approach to revamping the current policies

As a result of the recommendations contained in the Final Review Report, it is proposed to develop an edu.au Registration Policy to largely replace the existing content of Policy 1 – edu.au Policy and Governance Framework and Policy 2 – edu.au Eligibility Policy.

In the following sections the approach to how existing policy content will be transitioned to a new policy structure is outlined. In a number of instances, it is proposed that new policies be created to house existing policy content.

Policy 1 - edu.au Policy and Governance Framework

Table 1 illustrates how it is proposed to deal with the current content of Policy 1.

Table 1: Proposed transition of Policy 1 content to new Policies

Policy 1 Section	Proposed Treatment
Preamble under title of policy.	Redundant – discard
1 - Policy and governance framework of the edu.au domain	Redundant as covered by auDA governance policy – discard.
2 - Roles and Responsibilities	Redundant as covered by auDA governance policy – discard. Clause 2.4 is also covered by Policy 10 – Mandatory Terms and Conditions Policy.
3 - Registration Policy for the edu.au Domain	<u>3.1 – General Principles</u> to be incorporated into the draft Registration Policy. <u>3.2 - Registration Process</u> to be incorporated into the draft Registration Policy.
4 - Fees	Incorporate into the draft Registration Policy.
5 – Naming Policy for the edu.au Domain	With the exception of clause 5.5, this section will be incorporated into the draft Registration Policy.
6 – Creation of New Childzones	It is proposed that this section be separated into a new policy.
7 – Unauthorised Registries	It is proposed that this section be separated into a new policy.
8 – Changes to Existing edu.au Policies	It is proposed that this section be separated into a new policy.
9 – Contact	Redundant – discard.

Policy 2 – edu.au Eligibility Policy

It is proposed that all of Policy 2, subject to amendments arising from the Final Review Report, be incorporated into proposed Registration Policy.

Proposed New Policies

Table 2 outlines the new policies that are proposed. These new policies will not introduce new policy content, but rather house existing policy content. The exception is the proposed Pricing Policy, which stems from Recommendation 5 of the Discussion Paper.

Table 2: Proposed new Policies

Policy Title	Content
Registration Policy	As outlined in sections 2.1 and 2.2 above.
Childzone Policy	Current content of Policy 1 clause 5.5 and Section 6.
Unauthorised Registries Policy	Current content of Policy 1 Section 7.
Policy Change Process Policy	Current content of Policy 1 Section 8. Note that an alternative approach is to relocate this content into the auDA policy 2014-04 - Interim Governance Arrangements for the edu.au 2LD.
Pricing Policy	As foreshadowed in Discussion Paper recommendation 5 (as amended by eDAC).

Naming Conventions

It is proposed to adopt a similar policy naming convention as used by auDA for its policies. The new convention will allow the amendment and retirement of existing policies and the introduction of new policies without the current difficulties experienced with the sequential numbering of edu.au policies (e.g. two policies have been repealed, which introduces 'gaps' in the numbering sequence).

The proposed naming convention is:

<calendar year in which policy ratified by auDA>-<number of policy introduced in a calendar year> edu.au <title of policy>

For example, if the proposed new Registration Policy is ratified by auDA, then its title would be:

2015-1 edu.au Registration Policy

It will be necessary to apply this naming policy to existing edu.au policies that are not affected by the outcomes of the policy review.

Simplification

Currently, Policy 1 contains some repetition, unnecessary elaborate wording and inconsistent wording.

In developing the proposed new policies, it is proposed that the policy content be simplified, future-proofed and made consistent where-ever possible without altering the underlying policy intent. Further, where necessary, changes will be proposed to bring the policy into line with current governance arrangements. The objective will be to ensure that the policies are robust, concise and clear.

If, in the development of the new policies, some deviation from the underlying policy intent is identified as desirable to achieve this simplification, this will be highlighted to eDAC when it considers the draft policies for approval.