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Domain Names

What is a domain name?

A domain name is, in essence, your online identity or brand. Like other aspects of your business, effective use of your domain name is important to your success.

A domain name can be promoted so that customers can easily find your specific goods or services. Each website has its own distinct domain name allowing it to be distinguishable from other sites. For the most part, domain names are easy to remember because they are usually made up of a business name and a commonly understood term or category.

Be aware that there are no proprietary rights in a domain name. The registrant does not 'own' their domain name. Rather, they have a licence to use the domain name for a specified period of time and are subject to the licence terms and conditions. As a domain name is not a property asset, registrants cannot sell their domain name to another person. However, there are some circumstances under which a registrant may transfer their domain name licence. Visit the .au Domain Administration website at www.auda.org.au for information on those specific circumstances.

Is your chosen domain name available?

You can check the status of an existing domain name and find out whether a name

is available for registration by using the public WHOIS service. For *.com.au*, *.net.au*, *.org.au*, *.asn.au* or *.id.au* and *.gov.au* names, use the AusRegistry WHOIS Service www.ausregistry.com.au. For *.edu.au* names use the AUNIC Status service, www.aunic.net/aunicstatus.html. It is also a good idea to check the trade mark database to ensure your domain name will not infringe an existing trade mark. See IP Australia's trade mark database at http://www.ipaustralia.gov.au/trademarks/search_index.shtml

Registering a domain name in the .au domain

In July 2002 a new regulatory regime for .au domain names was introduced by .au Domain Administration Ltd (auDA), the Government endorsed manager of the .au domain space. auDA has also implemented a number of significant changes to the policies governing the registration of the *.com.au*, *.net.au*, *.org.au*, *.asn.au* and *.id.au*. Essentially, the changes introduce a relaxation of the rules enabling registration of your domain name to be far easier and more convenient.

It is important that Internet site owners register their domain name to ensure they have the exclusive right to use that name for the duration of the licence period.

Registering a domain name can also help the site owner guard against cybersquatting. In .au, domain names are licensed for a 2



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year period, no more and no less. In the global domain (known as the global Top Level Domain) the licence period is 1 year. If the registrant fails to renew, then the licence will be cancelled and the domain name will become available for registration by someone else.

Anyone can register an Internet domain name in the .au domain by submitting a registration form to an auDA accredited registrar or one of their appointed resellers. There is no restriction on the number of domain names that may be licenced by a registrant; however, an applicant must meet set criteria.

To apply for a *.com.au*, *.net.au*, *.org.au*, *.asn.au* or *.id.au* domain name, choose your preferred registrar and follow their application process.

Find the list at www.auda.org.au/registrars/

To apply for an *.edu.au* domain name, use the forms at www.aunic.net

To apply for a *.gov.au* domain name apply at the Australian Government Information Management Office, <http://www.govonline.gov.au/>

No two *.com.au* domain names can be exactly the same. It is up to you to search the domain name database, as no test is made to ensure that the same or a similar domain name already exists in another domain (e.g. *net.au*, *.com.au*). Your domain name is valid globally and cannot be used by any other person or company in the world. However, if you have registered a name such as *smith.com.au* for your Australian operations, be aware that the sub-domain name *smith* can be used in other permutations, such as *smith.com.uk* or *smith.net.au* or even *smith.com*.

Since 1 July 2002, the .au domain name market has been opened up to competition and registrars/resellers charge different prices. For pricing comparisons, see <http://www.whatsinaname.com.au>

Registering a global Top Level Domain (gTLD)

There are a number of gTLDs you can choose from, such as *.com*, *.net* and *.org*. Information about these is available from InterNIC in the United States. Some gTLDs can be registered for as low as US\$15 a year. Given that these domain systems are international, you will not need an ACN or ABN to register them.

Information about the registrant of a domain name is publicly available via the WHOIS service to allow rapid resolution of technical problems and to permit enforcement of consumer protection, trade mark and other laws. For a list of Registrars for gTLDs, see www.icann.org

Who can help?

Visit the www.auda.org.au website for further information. Your trade mark attorney or lawyer can also advise you.

Disclaimer:

This information is intended to help the reader gain a basic understanding of some IP principles. It is not designed to provide legal, business or other relevant professional advice. IP Australia recommends that you seek independent legal, business or other relevant specialist advice.

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