

November 2001:
<http://australianit.news.com.au/articles/0,7204,3236063%5e16123%5e%5enbv%5e,00.html> (accessed 18 February 2002).

9/3/2001. See
<http://www.auda.org.au/docs/au-agreement-31aug01fin1.pdf> (accessed 18 February 2001).

which restates much of the effect of RFC 1591 and ICP-1.

18 Private correspondence, 6 November 2001 between Mr Elz and the writer.

16 The ccTLD Sponsorship Agreement, dated

17 See also Attachment F to the agreement

Generic .com.au domain names

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Almost 10,000 applications were received when a list of 3,000 previously withheld generic .com.au domain names was released to the Australian public in January this year¹. The applications are now being reviewed. Where there are multiple applicants for a generic domain name, these applicants will participate in a private online auction for that domain name. The most popular choice has been computers.com.au which received 76 applications.

The release of these domain names follows a review of the policy governing the .au domain last year by au. Domain Administration Ltd (auDA)². The previous policy disallowed the registration of generic words as .com.au domain names on the basis that to do so would give the registrant an unfair advantage over its competitors in that industry. A reserved list of some 3,000 generic words was established over the years.

High profile sales of generic domain names in the .com domain (such as those for sex.com, business.com, and engineering.com) have fuelled interest in generic words as domain names. Generic domain names such as these have the advantage that they are easily

remembered, and owners further hope to receive a greater amount of traffic from internet users making an intuitive guess — for example that computers.com.au would connect to a site selling computers.

On the other hand, established businesses that obtain a new generic domain name will then have the cost of educating the public about the connection between that new generic domain name and their company, money that could instead be spent promoting the core brand of the business. It is also doubtful that the owner of a generic domain name will ever be able to build up sufficient use so as to obtain exclusive proprietary rights. For this reason, it may not be possible for such an owner to stop other businesses using similar domain names, for example the domain name computers.com.au may be affected by the use by others of computer.com.au, ecomputer.com.au, or computersales.com.au. Companies seeking to establish a new business in connection with a domain name may therefore find it makes more sense in the long run to select a domain name which is more distinctive and therefore more likely to indicate an exclusive association with the owner.

These factors will affect the price that an applicant is prepared to pay in an auction for a generic .com.au domain name. Applicants that find themselves the sole applicant for a domain name will have an easier decision - whether to outlay the \$110 reservation fee³. A significant number of domain names on the reserved list will not have been taken up by any applicants. Those names, and other generic domain names not appearing on the reserved list, will be available on a first come first served basis once the new .au policy is introduced later this year (the date is yet to be announced).⁴

1 See <http://www.auda.org.au/>.

2 auDA is a government approved, not for profit body that has been delegated control of the .au domain.

3 The application process is described in the link from <http://www.auda.org.au/about/news/2002013101.html>.

4 Ibid.