

Registration Policy

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Australia



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Registration Policy

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Classification

Public

Contents

1	Definitions	5
2	About this document	8
3	Purpose	9
4	Policy statement	10
4.1	Eligibility	10
4.2	Requirements for the composition of a domain name	13
4.3	Reserved and Restricted Domain Names	15
4.4	Domain name pricing	18
5	Definition and review	20

1 Definitions

In this policy:

Abbreviation means the applied for domain name is used to represent or stand for the complete form, of the name used by the Applicant to establish their eligibility.

Acronym means the applied for domain name comprises the initial letters only of each word of the name used by the Applicant to establish their eligibility. The abbreviation can contain letters or numbers that do not appear in the Applicant's name. Words do not have to be used in the same order as they appear in the Applicant's name.

Allocation means the method by which a domain name is created and assigned to an Applicant;

Allocated shall have a corresponding meaning.

Applicant means a natural person, company or organisation in whose name an Application is submitted.

Application means the complete and technically correct request for a domain name, which complies with this policy and any other policy issued by us, or ICANN.

ASCII means the American Standard Code for Information Interchange. ASCII is an encoding scheme based on the ordering of the English alphabet. ASCII is set of common numerical Code Points for computers and other devices that work with text.

Associated Entity means an entity associated with the State of Victoria, as determined by us in our sole and absolute discretion; **Associated Entities** shall have a corresponding meaning. An Associated Entity may include, but is not limited to, an entity that:

- Manufactures or sells a product to residents of the State of Victoria;
- Provides a service to entities or individuals residing in the State of Victoria;
- Organises or sponsors an event in the State of Victoria;
- Facilitates an activity in the State of Victoria; or
- Teaches or provides training to residents of the State of Victoria

Claims Notice means a notice provided to an Applicant indicating that the applied for Label is a Trademark Match to a Trademark Record in the Trademark Clearinghouse.

Claims Services means the services that collectively provide:

- Applicants with a Claims Notice; and
- Trademark Holders, with a corresponding Trademark Record, with notice that a Label that is a Trademark Match to the Trademark Record is Allocated.

Customer Registration Agreement means an agreement between a Registrar and a customer.

Exact Match means the applied for domain name matches all of the words comprising the name used by the Applicant to establish their eligibility. The words must be used in the same order as they appear in the name of the Applicant, and where the Applicant's name consist of more than one word those words may be separated by a hyphen.

ICANN means the Internet Corporation for Assigned Names and Numbers, its successors and assigns.

Label means a string of characters used to form part of a domain name.

Partial Match means the applied for domain name matches one, or some of the words comprising the name used by the Applicant to establish their eligibility. The words must be used in the same order as they appear in the name of the Applicant, and where the Applicant's name consist of more than one word those words may be separated by a hyphen.

Published Policies collectively means:

- those specifications and policies established and published from time to time by us or any of our subcontractors; and
- any ICANN Temporary Specifications or Policies and Consensus Policies or any Rights Protection Mechanisms and associated rules, policies, requirements and procedures (as defined in our agreement with ICANN).

Premium Domain Name means any domain name so designated by us.

Registrant means a natural person, company or organisation in whose name a domain name is Allocated in the TLD.

Registrar means an entity that is authorised to offer domain name registration services in relation to the TLD.

Registry means the systems used to record, store and maintain details of domain names in the TLD.

SMD File means the Signed Mark Data file provided by the TMCH Sunrise and Claims Operator to a holder of a Validated Mark which is encoded with certain information.

Service means the services that we provide in relation to the TLD.

TLD means Top Level Domain and for the purpose of this policy shall mean .melbourne

TMCH Sunrise and Claims Operator means the providers appointed by ICANN to serve as the Trademark Clearinghouse by accepting, authenticating, validating and facilitating the transmission of information related to certain trademarks.

Trademark Clearinghouse Guidelines means the guidelines which can be found at the following link www.trademark-clearinghouse.com (as may be updated from time to time) which provide an overview of the requirements for the inclusion of trademarks in the Trademark Clearinghouse and the issuance of a SMD File.

Trademark Clearinghouse means the central repository for information to be authenticated, stored, and disseminated, pertaining to the rights of Trademark Holders.

Trademark Holder means holders of marks that have been verified by the TMCH Sunrise and Claims Operator as meeting the requirements specified in the Trademark Clearinghouse Guidelines.

Trademark Match means that a Label is a match to a trademark, as described in the Trademark Clearinghouse Guidelines.

Trademark Record means a complete and correct set of information concerning a trademark or other mark submitted to the Trademark Clearinghouse.

Validated Mark means a mark that has been verified by the TMCH Sunrise and Claims Operation as meeting the requirements specified in the Trademark Clearinghouse Guidelines including those relating to proof of use.

We, us and **our** means AusRegistry International ACN 103 729 620 as the designated representative of The State of Victoria through the Department of State Development, Business and Innovation, or our designated representatives.

You and **your** means the person or entity accessing the Service.

2 About this document

This document describes our policy regarding the registration of domain names in the TLD.

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3 Purpose

The purpose of this policy is to describe:

- The eligibility requirements for registering a domain name in the TLD and the required criteria for domain name registration;
- The technical requirements for the composition of a domain name;
- What domain names may be reserved or restricted by us;
- How certain domain names may be used; and
- Our policy on domain name pricing, including:
 - Domain name creation and renewal;
 - Premium Domain Names;
 - Application fee for domain names; and
 - Auction fees.

We have developed this policy with reference to applicable industry standards, ICANN mandated requirements, and to meet our operational requirements for the TLD.

All domain names in the TLD are subject to this policy and all other policies issued by us. Further policy and procedure in relation to the TLD can be found at the following link: <http://nic.melbourne/>

4 Policy statement

4.1 Eligibility

The purpose of this section is to describe the eligibility requirements for registering a domain name in the TLD.

Mission and purpose of the TLD

The mission of the TLD is to benefit internet users by ensuring increased trust, convenience and utility as well as extending and strengthening Melbourne's brand in the online environment.

The purpose of the TLD is to establish an online space specifically related to Melbourne, the capital city of the State of Victoria in Australia. The TLD will service the interests of businesses and residents of Melbourne and the State of Victoria. This includes internet users looking for products, services and information relating to Melbourne, and thereby benefiting them through the increased accuracy of locality-specific content.

The TLD will provide a dedicated place for businesses, residents, community groups, organisations and government bodies in Victoria seeking to identify themselves with Melbourne, and offering these potential registrants new marketing opportunities and an additional channel of communication focused on their geographic location.

Eligibility requirements

To support the mission and purpose of the TLD, in order to register or renew a domain name the Applicant or Registrant must satisfy Criteria A, B or C as described in this section and be the intended beneficiary of the domain name registration. At the time of submitting an application to register or renew a domain name in the TLD, the Applicant or Registrant must warrant that:

- It meets the eligibility requirements;
- It will be the intended beneficiary of the domain name registration; and
- That the domain name and its use will be consistent with:
 - the mission and purpose of the TLD;
 - applicable laws, government rules or requirements and the Published Policies.

An Applicant or a Registrant:

- Must provide true and accurate details and information about itself at the time of Application for, and registration of, the domain name and make those warrants as described in the Published Policies;
- Must provide to their Registrar updated details and information as soon as practicable when information about the Registrant changes, and in any case no greater than 14 days from such change; and
- Must not do any thing, or use any third party, or any service to obfuscate or conceal the true identity of the intended beneficiary of the domain name registration.

NOTE: For the purpose of clarity a service provider or agent of the Applicant or Registrant shall not be considered to be the intended beneficiary of the domain name registration.

A Registrar must not do any thing, to obfuscate or conceal the true identity of the customer requesting the registration or renewal of a domain name, and must cause such information to be recorded in the Service.

Criteria A – Victorian Entities

The Applicant must be an entity registered with the Australian Securities and Investments Commission or the Australian Business Register that:

- has an address in the State of Victoria associated with its ABN, ACN, RBN or ARBN; or
- has a valid corporate address in the State of Victoria.

There is no restriction on the number of domain names that may be applied for. There are no additional composition requirements for domain names registered under Criteria A other than as described in this and any other of our policies.

Criteria B – Victorian Residents

The Applicant must be an Australian citizen or resident with a valid address in the State of Victoria.

There is no restriction on the number of domain names that may be applied for. There are no additional composition requirements for domain names registered under Criteria B other than as described in this and any other of our policies.

Criteria C – Associated Entities

The Applicant must be an Associated Entity. The Applicant may only apply for a domain name that is an Exact Match or Partial Match to, or an Abbreviation, or an Acronym of:

- the business name of the Applicant, or name by which the Applicant is commonly known (i.e. a nickname) and the business name must be registered with the appropriate authority in the jurisdiction in which that business is domiciled; or
- a product that the Associated Entity manufactures or sells to entities or individuals residing in the State of Victoria;
- a service that the Associated Entity provides to residents of the State of Victoria;
- an event that the Associated Entity organises or sponsors in the State of Victoria;
- an activity that the Associated Entity facilitates in the State of Victoria; or
- a course or training program that the Associated Entity provides to residents of the State of Victoria.

There is no restriction on the number of domain names that may be applied for. Domain names registered under Criteria C must meet the composition requirements as described in this and any other of our policies and the additional composition requirements as required by the definition of Exact Match.

Continuing eligibility

Where the Registrant no longer meets the eligibility requirements of the TLD, it must contact its Registrar as soon as possible, and in any case no greater than 14 calendar days of its ineligibility, request that the domain name be cancelled, locked, placed on hold, transferred or deleted.

Transferring a domain name to another person or entity

A domain name may only be transferred to another party that meets the requirements of this and our other policies, and the receiving party must make also warrant that it meets the eligibility requirements and would be entitled to register the domain name if it were applying for it in its own right.

Monitoring and review

During the lifecycle of the domain name we may take certain steps to substantiate whether a Registrant meets the requirements described in our policy.

We may request that the Registrant provide information to demonstrate compliance and maintain its eligibility. In such cases, the Registrant must respond to our request within 14 calendar days. Failure to respond within the specified timeframe may result in suspension or deletion of the domain name.

Where we determine that the Registrant does not meet the eligibility requirements described in this policy, we may in our absolute discretion cancel, lock, place on hold, transfer or delete the domain name.

We may also review a domain name to ensure that the Labels used to form the domain name are consistent with the mission and purpose of the TLD. In doing so we will reference, amongst other things, the names listed as undesirable under the Business Names Registration (Availability of Names) Determination 2012.

Where we determine that the domain name is not consistent with the mission and purpose of the TLD, we may in our absolute discretion cancel, lock, place on hold, transfer or delete the domain name.

Application of the Registration Eligibility Dispute Resolution Procedure

Any person or entity may challenge a Registrant's eligibility in accordance with the Registration Eligibility Dispute Resolution Procedure. Disputes regarding a Registrant's eligibility will be determined either by us, or by our appointed eligibility dispute resolution provider.

Details about the Registration Eligibility Dispute Resolution Procedure can be found at the following link: <http://nic.melbourne/>

Our rights and responsibilities

We reserve the right to deny any request for, or application for, a domain name, or cancel, lock, place on hold, transfer, delete, or take any other action on any domain name or transaction that we deem necessary, in our sole discretion:

- i. to protect the integrity and stability of the Service;
- ii. to comply with our obligations to ICANN;

- iii. to comply with any applicable laws, government rules or requirements, requests of law enforcement, or in compliance with any dispute resolution policies or process;
- iv. to avoid any liability, civil or criminal, on our part, as well as our affiliates, subsidiaries, officers, directors, employees and subcontractors;
- v. to ensure compliance with the Published Policies;
- vi. to stop or prevent any violations of any terms and conditions of the Customer Registration Agreement;
- vii. for the non-payment to us of any fee; or
- viii. to correct mistakes made by the us or any Registrar or any of our service providers in connection with an application for a domain name, or a domain name.

4.2 Requirements for the composition of a domain name

The purpose of this section is to describe the elements that make up a domain name, how those elements are commonly described, and the technical requirements for those elements.

General information about domain names

In the operation of the TLD we use the word 'label' to describe a sequence of characters. A domain name is made up of one or more Labels, separated by a period ('.'), before the TLD, for example name.melbourne, or domain.name.melbourne.

Labels that may be used to make a domain name are subject to composition requirements described in this policy.

Levels of domain names

A domain name is often described in relation to its 'level', a:

- 'second level' domain name consists of one Label before the TLD, for example name.melbourne; and a
- 'third level' domain name consists of two Labels before the TLD, for example domain.name.melbourne; and so on.

Composition requirements

We validate all attempts to create domain names against these technical composition requirements prior to allowing a domain name to be created.

Applications for domain names must conform to the following set of requirements. Each Label in the domain name must:

- Have a minimum of 1 to a maximum of 63 characters;
- Only contain letters (a-z, A-Z), digits (0-9) and hyphens (-) or a combination of these;
- Begin with a letter or a digit and end with a letter or a digit;
- Neither begin with, nor end with a hyphen (-);

Registration Policy

- Not contain hyphens (-) in the third and fourth positions (e.g. www.ab - - cd.tld), and
- Not include a space (e.g. www.ab cd.tld).

4.3 Reserved and Restricted Domain Names

The purpose of this section is to describe the various types of Labels in the TLD that may be 'reserved', meaning that they are unavailable for registration as a domain name, or 'restricted' meaning that they may be available for registration as a domain name under certain conditions.

Where a Label is both reserved and restricted then reserved status shall take precedence.

Our use of reserved and restricted Labels

Subject always to ICANN mandated requirements; a reserved or restricted Label may be Allocated or registered to us.

Reserved Labels

The Labels that are reserved in the TLD fall into the following categories; these are Labels that are reserved:

- for technical operations;
- that represent country and territory names;
- that represent names of intergovernmental organisations;
- which are **certain Labels** composed of two characters;
- that represent names of the International Olympic Committee, and those of the International Red Cross and Red Crescent Movement; and
- those that are reserved by us.

Status of reserved Labels in the Service

Unless otherwise Allocated according to this policy, the response to a WHOIS query for a domain name containing a reserved Label includes a message indicating that the domain name is reserved.

The WHOIS Service and the information that is displayed is described in our WHOIS Policy which can be found at the following link: <http://nic.melbourne/>

Technical operations

The following Label(s) are reserved in all levels of the TLD:

- EXAMPLE
- NIC
- RDDS
- WWW
- WHOIS

Country and territory names

The following Label(s) may be reserved in all levels of the TLD:

- The short form (in English) of all country and territory names (including the European Union) contained on the ISO 3166-1 list (http://www.iso.org/iso/country_codes).
- Country and territory names described in the United Nations publication: Technical reference manual for the standardization of geographical names, part three 'Names of Countries of the World' (http://unstats.un.org/unsd/geoinfo/UNGEGN/docs/pubs/UNGEGN%20tech%20ref%20manual_m87_combined.pdf) as published by the Group of Experts on Geographical Names.
- The list of United Nation member states, in each of the official United Nations languages described in the United Nations publication: List of Country Names (<http://unstats.un.org/unsd/geoinfo/ungegn/wg1.html>) as submitted by the Working Group on Country Names of the United Nations Group of Experts on Geographical Names to the United Nations Conference on the Standardization of Geographical Names.

Two-character Labels

Certain Labels composed of two characters set **may be** reserved in all levels of the TLD.

Names of intergovernmental organisations

Names of intergovernmental organisations are reserved at the second level of the TLD.

These Labels can be found at the following link: <http://www.icann.org/en/resources/registries/reserved>

Names of the International Olympic Committee, and those of the International Red Cross and Red Crescent Movement

Names of the International Olympic Committee and those of the International Red Cross and Red Crescent Movement are reserved at the second level of the TLD.

These Labels can be found at the following link: <http://www.icann.org/en/resources/registries/reserved>

Reserved by us

Labels that are reserved by us are determined at our absolute discretion. Labels may be reserved by us for our exclusive use, at any level of the TLD.

Reserved Labels will include, but are not limited to:

- AUSTRALIA
- COMMONWEALTH
- FEDERAL
- THE NAMES AND ABBREVIATIONS OF AUSTRALIAN STATES AND TERRITORIES

Other Labels that are reserved by us will not be published.

We may release reserved Labels for registration to another person or entity at any time at our sole and absolute discretion.

Restricted Labels

We have identified certain Labels that will be restricted in the TLD. These Labels have been identified by and will include consideration of:

- The Business Names Registration (Availability of Names) Determination 2012 – Schedule 2, Part 2 and Part3 as amended from time to time; and
- Labels as required by law in Australia.

The Labels that are restricted are determined at our absolute discretion, and will not be published.

Registering a domain name that includes a restricted Label

We will consider proposals to register or renew a domain name that includes a restricted Label. Proposals to register or renew such domain names must be approved by us.

In considering your proposal we may require that you provide additional information including such things as the grounds for which you believe that you should be able to register the Label, and your intended use of the domain name.

Our decision to grant or decline such requests will be at our absolute discretion, and we will not communicate the reason for making such determination.

Status of restricted Labels in the Service

The response to a WHOIS query for a domain name containing a restricted Label will return information if we have allowed the domain name to be registered, or where the domain name is not registered no data will be returned.

The WHOIS Service and the information that is displayed is described in our WHOIS Policy which can be found at the following link: <http://nic.melbourne/>

Amending the list of reserved and restricted Labels

We may at our absolute discretion from time to time, subject always to applicable industry standards, and ICANN mandated requirements:

- Add to, delete from and generally amend or modify the list of Labels which are reserved or restricted and the level at which they are reserved or restricted;
- Allow a domain name containing a reserved or restricted Label to be registered; or
- Delete a domain name containing a Label which is reserved or restricted.

Where we allow a domain name containing a previously reserved or restricted Label to be registered, that domain name may be subject to the Claims Services.

4.4 Domain name pricing

Our pricing and the obligations of the Registrar

All domain names must be purchased and managed using a Registrar; they are the retail channel for the TLD. We have an agreement with all of our Registrars which amongst other things details the fees associated with domain name transactions. While we set the fees for domain name transactions to Registrars, they are free to retail those domain names based on their service offering and delivery models.

It is our intention however that when an end user enters into an agreement with a Registrar, that they are made aware of the fees associated with the domain name including the fees for creation and renewal of the domain name. Also described in our Registrar Code of Practice, Registrars must fully disclose to an Applicant for, or registrant of a domain name at the time of Application, or creation or renewal, certain information including but not limited to the registration and renewal fee of the domain name.

Pricing of domain names

Creation and renewal

Our agreement with ICANN to operate the TLD includes a number of obligations with regard to the price that we may set for domain name creation and renewals. Subject always to that agreement we may from time to time revise the fees that we charge to Registrars.

All domain names are subject to our policies and may be restricted or reserved as described in this policy.

Premium Domain Names

We may, at our absolute discretion at any time, identify certain desirable domain names as a Premium Domain Name. A Premium Domain Name may have a higher than standard fee for creation and renewal.

Where a Premium Domain Name is not registered subject always to applicable industry standards, and ICANN mandated requirements we may:

- Add to, delete from and generally amend or modify the list of Premium Domain Names;
- Modify the pricing of any un-registered Premium Domain Names; or
- Allow a Premium Domain Names to be registered.

Application fees

At certain times domain names will not be issued on a first come, first served basis, this includes during the Sunrise Period, the Limited Registration Period(s), the Landrush Period (as they are described in our Launch Policy), and this may also occur when we make a Premium Domain Name available for registration.

During such times:

- A domain name may be subject to multiple Applications;
- Where there are multiple Applications, contention between Applications will be resolved as described in the relevant policy, which may include auctions;
- There may be a fee for Application for the domain name, which is separate to any fee for creation and renewal, or auction fee.

Auction fees

Auctions may occur where there are multiple Applications for a domain name. Where a domain name is subject to an auction, any auction fees charged are for the right to register the domain name and not for the domain name registration itself. The fee for creation will still apply.

5 Definition and review

This document has been prepared and published to represent our policy regarding the administrative and technical management of the TLD.

We may discontinue or amend any part or the whole of this policy from time to time at our absolute discretion.

Definitions

We, us and our means any or all of the Bombora Technologies Pty Ltd group of companies, their related entities and their respective officers, employees, contractors or sub-contractors.

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