



# Quick Guide to WIPO Domain Name Dispute Resolution Services for the .AU ccTLD

**WIPO Arbitration and Mediation Center**

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**Geneva**  
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# In this webinar:

- .au Domain Administration and .au Eligibility Criteria
- Main characteristics of auDRP proceedings as compared to the UDRP
- Filing a Complaint with WIPO
- Benefits of filing a case with WIPO in comparison to court litigation
- Available Resources

# After this webinar, you can:

- Download this presentation
- Download handouts
- Receive a recording of the webinar

17 June 2021

# Compliance and the au Dispute Resolution Policy

**Steph Viljoen**  
Manager  
Compliance &  
Analytics and  
Privacy Officer



.au Domain  
Administration Ltd



## **We are auDA – the administrator of the .au ccTLD in Australia.**

- Over 3,3000,000 domains under management
- 606,316 new registrations in 2020 compared to 505,276 new registrations in 2019 – an increase of 20%
- Over the last year, average monthly registrations were 52,039
- We were established in June 1997 and we currently have 30 staff

# .au registration requirements

## Eligibility rules

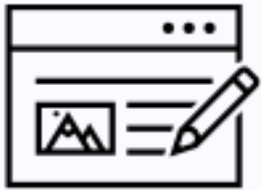
- Require an Australian presence
  - Registrants must meet requirements in each namespace

## Allocation rules

- Set out what domain names a person can register

**Ensuring the .au domain remains trusted and secure**

# auDA compliance posture



**A proportionate, risk based approach to compliance.**

- **Communicate and educate.**
- **Guide and facilitate.**
- **Enforce where breaches are not rectified.**

# New licensing framework for the .au ccTLD began on 12 April 2021.



**The legacy rules continue to apply for the term of the licence, to domain names that were registered/renewed before that date.**

- Some of the rules about eligibility and allocation have changed
- Licensing complaints are dealt with by the registrar, with appeal to auDA
- Resources explaining the new rules are available here: <https://www.ada.org.au/au-domain-names/new-au-licensing-rules>



# **.au Dispute Resolution Policy**



[https://www.ada.org.au/  
au-domain-  
names/dispute-  
resolution](https://www.ada.org.au/au-domain-names/dispute-resolution)

- No hierarchy of rights in the .au domain – auDA does not adjudicate competing rights in a domain name.
- auDRP based on UDRP.
- Cheaper, quicker alternative to litigation.
- auDRP Overview online.

[auDRP Overview](#)

# .AU Dispute Policy and Rules

## ■ .AU Dispute Resolution Policy (auDRP)

<https://www.auda.org.au/policy/au-dispute-resolution-policy-audrp-2016-01>

## ■ Rules for .AU Dispute Resolution Policy

<https://www.auda.org.au/policy/au-dispute-resolution-policy-audrp>

## ■ WIPO Supplemental Rules of auDRP

<https://www.wipo.int/amc/en/domains/rules/supplemental/au.html>

# .AU Dispute Resolution Policy (auDRP)

- Requires registrants to submit to a mandatory administrative proceeding in the event that a complainant asserts to the applicable Provider, that\*:
  - (i) your domain name is identical or confusingly similar to a name, trademark or service mark in which the complainant has rights; and
  - (ii) you have no rights or legitimate interests in respect of the domain name; and
  - (iii) your domain name has been registered or subsequently used in bad faith.

\*where “you/r” indicates the registrant.

# First element – Rights covered

- A complaint under the auDRP may be based **on any name** in which a complainant has rights
  - including the complainant's **company, business or other legal or trading name**, as registered with the relevant Australian government authority
  
  - or the **complainant's personal name**
  
- See for example WIPO Case No. DAU2021-0002, <gingerproductions.com.au>

## Second element – Rights or Legitimate Interests

- The registrant has no rights or legitimate interests in the domain name, regardless of a registrar's determination that a registrant satisfied the relevant eligibility criteria for the domain at the time of registration.

## Third element – Bad Faith Registration or Use

- The domain name has been registered **or** used in bad faith – it is sufficient for a complainant to prove that *either* registration *or* use of the domain name is in bad faith.
  
- Evidence of registration or use in bad faith of a domain name:
  - Under the auDRP it is sufficient to show the prevention of the trademark or service mark owner from reflecting the mark in a corresponding domain name

# Remedies

■ Similar to the UDRP, remedies available are:

■ **Transfer\***

■ **Cancelation**

\*transfers are only possible if the registrar determines that a complainant meets the eligibility and allocation rules for .AU

# WIPO ccTLD page for .AU

## WIPO Domain Name Dispute Resolution Service for .AU

Country / Territory Code	.AU
Country / Territory Name	Australia
Whois Search	<a href="#">Whois Search</a>
Dispute Resolution Policy	<p><b><i>Variation of UDRP</i></b></p> <p><a href="#">.AU Dispute Resolution Policy (auDRP)</a></p> <p><b><i>Relevant differences between the UDRP and the auDRP</i></b></p> <ul style="list-style-type: none"> <li>▶ <a href="#">Rights Covered</a></li> <li>▶ <a href="#">Bad Faith</a></li> <li>▶ <a href="#">Bad Faith Examples</a></li> <li>▶ <a href="#">Remedies Available</a></li> <li>▶ <a href="#">Communications</a></li> </ul>

### WIPO Toolkit

[Panel Decisions](#)

[WIPO Model Complaint](#)

[WIPO Model Response](#)

[Schedule of Fees](#)

<https://www.wipo.int/amc/en/domains/cctld/au/index.html>



# Helpful Links on our ccTLD Page

## ■ WIPO Model Complaint and Response

<https://www.wipo.int/amc/en/domains/cctld/au/index.htm>

## ■ Filing Fees

<https://www.wipo.int/amc/en/domains/fees/cctlds/au/index.html>

## ■ WIPO .AU Panelists

<https://www.wipo.int/amc/en/domains/panel/panelists.jsp?code=auDRP>

# Filing Fees

- The appropriate fee specified in the WIPO Center's Schedule of Fees must be submitted together with the Complaint

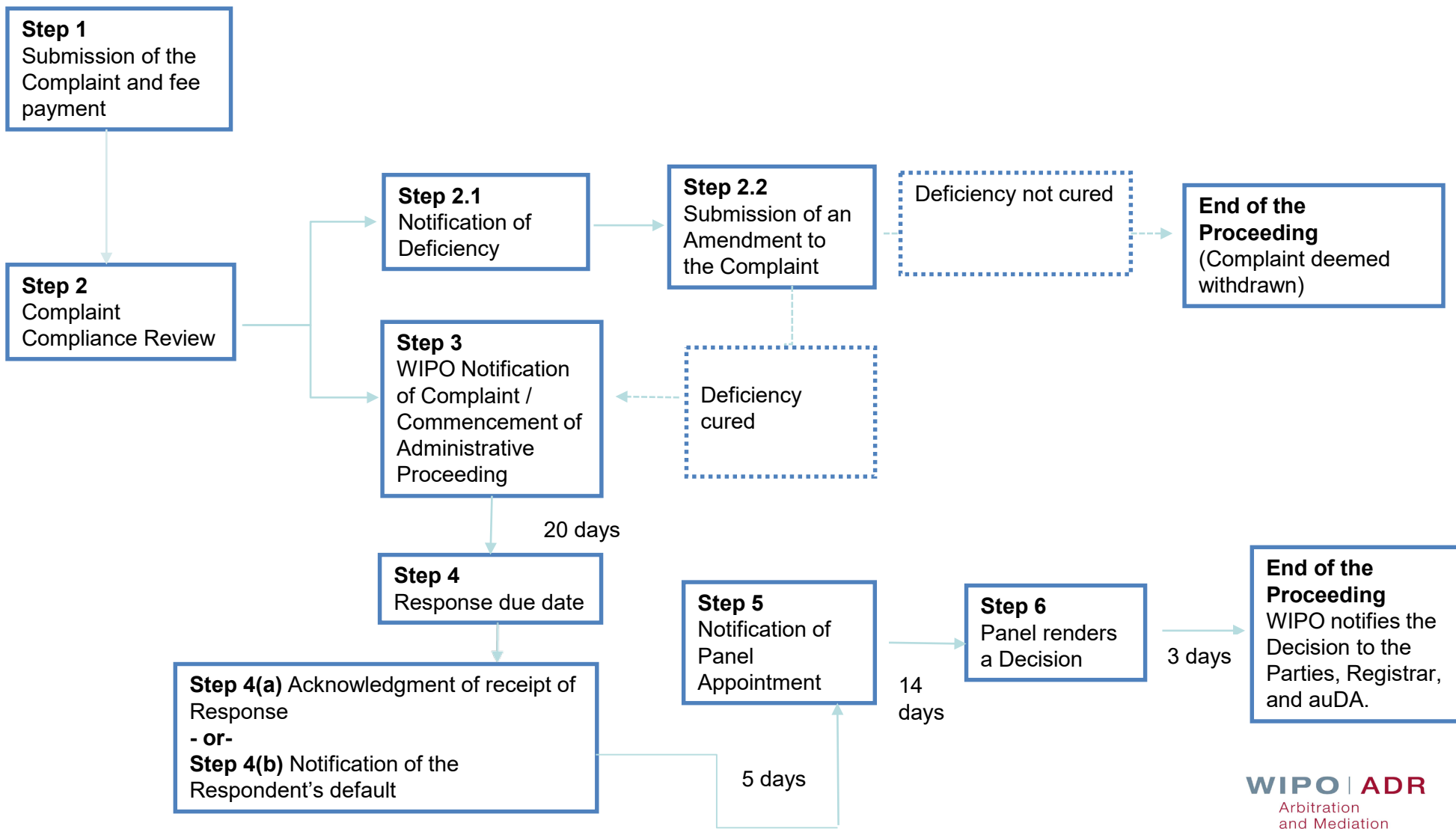
## Single Member Panel

Number of Disputed Domain Names	Fee (AUD)
1-5	2,000
6-10	2,700
More than 10	To be decided in consultation with the Center

## Three Member Panel

Number of Disputed Domain Names	Fee (AUD)
1-5	4,500
6-10	5,700
More than 10	To be decided in consultation with the Center

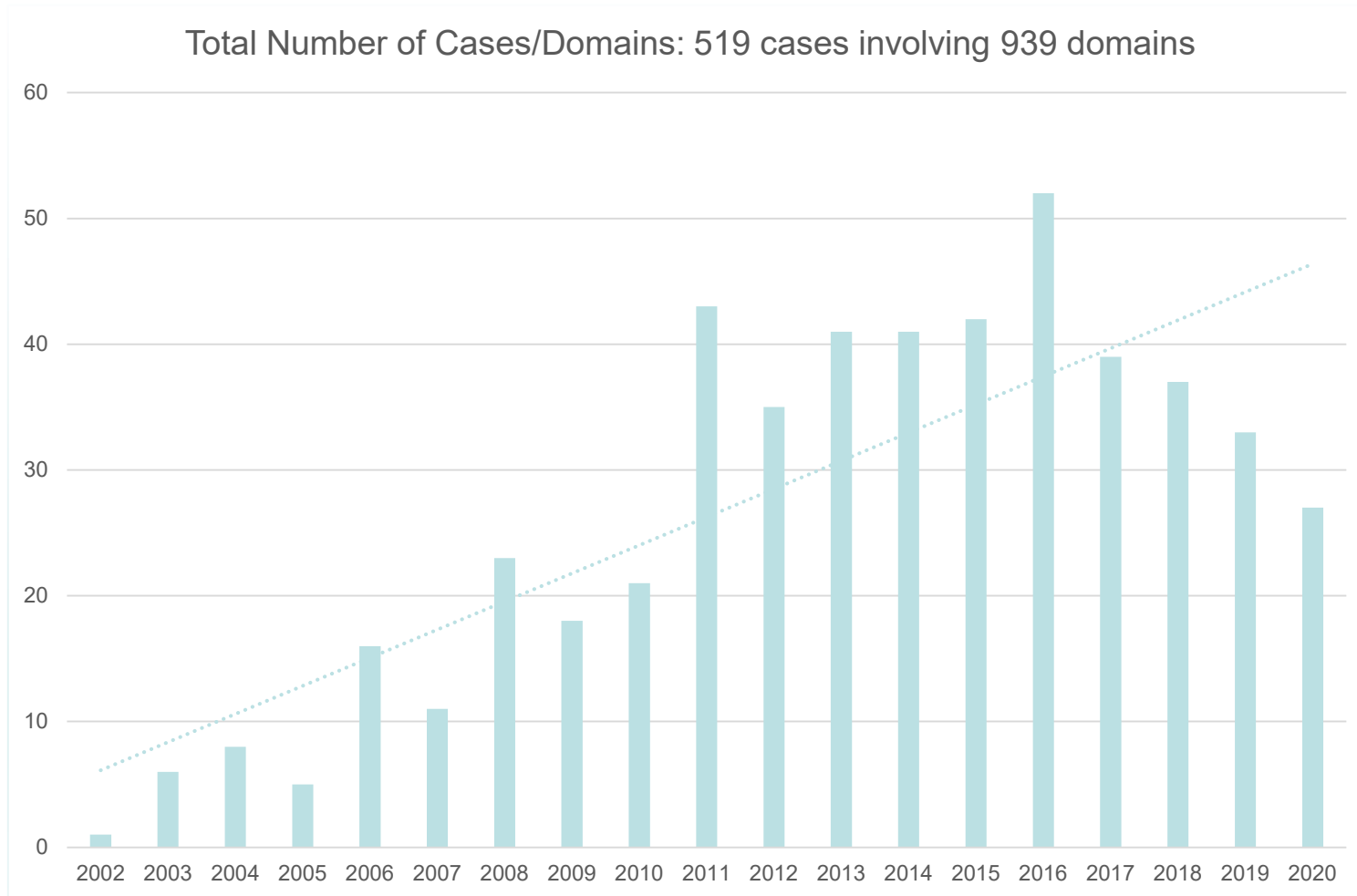
# WIPO Flowchart for .AU Proceedings (simplified version for single-member panel)



# Main benefits of the .AU procedure

- Time-effective procedure (2 months)
- 100% paper-less procedure (WIPO model pleadings available for parties)
- Decision implementation coordinated between Registrar and auDA

# Distribution of cases per year in .AU



# Noteworthy .AU Cases

- WIPO Case No. DAU2020-0010,  
<snsnail.com.au>
- WIPO Case No. DAU2021-0001,  
<skinfairy.com.au> and <theskinfairy.com.au>
- WIPO Case No. DAU2021-0007,  
<abcstore.com.au>
- WIPO Case No. DAU2021-0013,  
<cbdresses.com.au>, <cbstyles.com.au>,  
<houseofcb.com.au>, and  
<houseofcbonline.com.au>



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# auDA auDRP Overview 1.0

- auDA Overview of Panel Views on Selected auDRP Questions, First Edition (auDA auDRP Overview 1.0”), July 2014
- The auDA auDRP Overview 1.0 provides a jurisprudential overview of auDRP decisions, summarizing consensus views and providing procedural guidance

■ Available here:

[https://assets.auda.org.au/a/2020-11/auDRP-Overview-2014b.pdf?VersionId=yjOrxJkeDYxTarz7Uc8EOpML\\_5KCE9z1](https://assets.auda.org.au/a/2020-11/auDRP-Overview-2014b.pdf?VersionId=yjOrxJkeDYxTarz7Uc8EOpML_5KCE9z1)

# Contact Us

- Queries: [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)
- Further information: <https://www.wipo.int/amc/en/domains>
- **WIPO Center Domain Name Newsletter**
  - [https://www3.wipo.int/newsletters/en/#adr\\_highlights](https://www3.wipo.int/newsletters/en/#adr_highlights)
- **WIPO Center Webinars**
  - <https://www.wipo.int/amc/en/events/webinar.html#upcoming>
- **WIPO Center Offices**
  - Geneva, Switzerland
  - Singapore, Singapore