

## **IP ALERT**

### **DOMAIN NAMES**

Without being too technical, a domain name is part of the “Domain Name System” (DNS) which provides people with an online address linked to an internet website. That address must be unique so computers know where to find each other.

Typically it contains a name, followed by an ending (or extension), such as “.com”

The .com extension is an example of a “Top Level Domain” or “gTLD”. Other top level domains include:

- org - charities and non-profit organisations
- net – open to any person or entity
- edu - schools and universities
- gov - federal, state or local government

In Australia, a country code is applied to the top level domain to indicate it is an Australian domain name, such as:

- com.au or .net.au
- org.au
- gov.au
- edu.au

For example, in relation to say the Commonwealth Government, the domain is:

*australia.gov.au*

The .au domain space is administered through the organisation called “*au Domain Administration Ltd (auDA)*”.

To register (ie. obtain a licence) in relation to a .com.au or .net.au extension and the like, registration is conducted through an “accredited registrar” as approved by auDA.

The length of a domain name registration in .au is 2 years. This period can be renewed as required in return for payment of a prescribed fee.

If a registered domain name is not renewed as per the auDA policy, it can be released to the public where others can seek to register the name.

It is also possible to transfer the domain name using a prescribed Transfer Form and payment of any relevant fee. If you are buying a Business and wish to retain use of the domain name connected with the Business, then it will be necessary to arrange a transfer of the domain name from the seller to the buyer. This should also be made a condition of the Business Sale Contract. From a business perspective a domain name can be an important part of the business’s identity and branding, so it is important to protect it. Registration of the domain name can help, but it is

important to note that although you may register a domain name, that does not give you any proprietary ownership rights in that name. In order to obtain such proprietary rights it is necessary to either show you have a common law trade mark or register a trade mark.

If you are buying a business or starting up or just need assistance with domain names and intellectual property generally, please direct your query to Raymond Duffy, Associate on 07 3233 9909 or email: [raymondd@mdl.com.au](mailto:raymondd@mdl.com.au).