

Guidelines for the use of the word 'university' in Australian domain names

Introduction

1. Protecting the use of the word 'university' is one element of Australia's higher education quality arrangements. Restricting the use of the word 'university' in line with these guidelines ensures that employers and students can be confident that any institution with the word 'university' in its title meets the relevant quality requirements. A domain name that includes the word 'university' or letters, words or expressions of like import to the word 'university', or implies a connection to an existing Australian university, is unavailable for registration unless the criteria in these Guidelines are met. Applicants may seek approval to use the word 'university' in a domain name under these Guidelines.
2. The following employee of the Department of Education (the Department) may grant or refuse to grant consent to applications to use the word 'university' in a domain name:
 - Branch Manager, Strategy and Implementation Branch.
3. These Guidelines set out the procedures to be followed and criteria which will normally be applied in considering applications for written consent for the registration of a domain name that includes the word 'university'. However, each application will be considered on its merits, having regard to the individual circumstances involved, to allow the decision maker to exercise discretion.

Note: Where these Guidelines refer to the use of the word 'university' in a domain name, the reference to 'university' also includes letters, words or expressions of like import to the word 'university'.

Background

4. The Tertiary Education Quality and Standards Agency (TEQSA) is the national body responsible for the regulation and quality assurance of higher education in Australia. Providers who fall within TEQSA's jurisdiction must be registered with TEQSA.
5. TEQSA regulates higher education providers against the Higher Education Standards Framework. The Standards Framework sets out the criteria that providers must meet in order to be registered by TEQSA, including registration in a category that permits the use of the word 'university'. The Standards Framework is available at <http://www.comlaw.gov.au/Details/F2012L0003>.

Legislation regarding the use of the word 'university'

6. The Commonwealth protects the word 'university' under the *Corporations Act 2001*, *Corporations Regulations 2001* and the *Business Names Registration Act 2011*.
7. .au Domain Administration Limited (auDA) maintains a Reserved List Policy, available at www.auda.org.au, of words and phrases that are protected under legislation, including the word 'university'. This policy operates such that the use of the word 'university' in open second level domain names requires the registrant to demonstrate to auDA that they have the requisite consent to use the term 'university' –

for example, if they are authorised by the Commonwealth Minister responsible for Education (the Minister) or a person authorised by the Minister to grant consent to use the word ‘university’ in a company name pursuant to the *Corporations Regulations 2001*.

8. Under auDA’s policy, it is the responsibility of registrants to warrant compliance with auDA’s policies, including the Reserved List Policy. It is the responsibility of all registrants to apply to the Department for consent to use the word ‘university’, or an abbreviation thereof, in a domain name prior to registering a domain name.
9. Domain name registrants who are not authorised to use the word ‘university’ in a domain name may have their domain name deleted for a breach of the auDA Reserved List Policy. Registrants have 14 calendar days to lodge an application under these Guidelines for approval prior to the domain name being deleted.

Criteria for granting consent

10. Consent will normally be granted for the use of the word ‘university’ in a domain name where the applicant:
 - a. is a higher education provider as defined in the *Tertiary Education Quality and Standards Agency Act 2011*, and is registered by TEQSA in a category that permits the use of the word ‘university’; or
 - b. has already obtained permission from the Minister, or a person authorised by the Minister, to use the word ‘university’ in relation to the same company, association or business name; or
 - c. is controlled entirely by another company or body that is a higher education provider as defined in the *Tertiary Education Quality and Standards Agency Act 2011*, and is registered by TEQSA in a category that permits the use of the word ‘university’, and
 - i. the application is supported by the university concerned; and
 - ii. the proposed name accurately reflects the purpose for which the company in question is being formed; or
 - d. is a Commonwealth Government department or agency.
11. Consent will normally be granted where the applicant does not intend to provide education services or information about education services, issue higher education awards or intend in any other respect to operate or purport to operate as a university and is applying for a domain name:
 - a. which does not imply a connection with an existing university (e.g. universityavenueagency.com.au) and would not be likely to mislead people into believing that there is a connection with a particular university; or
 - b. which implies a connection with an existing university¹ (for example, brisbaneuniversityfootballclub.com.au), the application must be supported by the university concerned.

How to apply

12. Applicants should specifically address the above criteria and include all required supporting documentation (listed below in paragraph 13). Applications should be submitted to:

¹ A company or body that is approved to use the word ‘university’ in a company name.

Branch Manager
Strategy and Implementation Branch
Higher Education Reform Group
Department of Education
GPO Box 9880
Canberra ACT 2601

or:

highered@education.gov.au

Supporting documentation

13. All applications to the Department must include the following supporting documentation:

- the proposed domain name;
- the name of the company, registrable Australian body or foreign company;
- a description of the intended nature of the website and relevant criterion in paragraphs 10 and 11 above under which approval is being sought;
- a statement on whether or not the applicant intends to provide education services or information about education services, issue higher education awards or intends in any other respect to operate or purport to operate as a university; and
- if the domain name has a connection with an existing university, as outlined in criterion 11(b), written support from a senior delegate of the relevant university for the application and proposed domain name.

Processing of applications

14. For the purpose of determining an application, the decision maker may, by written notice, seek additional information from an applicant.
15. A written notice requesting additional information will specify the date by which the applicant must provide the information. If an applicant fails to comply with such a request for further information, the decision maker will consider the application on the basis of the available information and may refuse the application.
16. Applications will be handled by the Department in accordance with the provisions of the *Privacy Act 1988*. Information contained in applications will only be used for the purposes of determining whether consent will be granted for the use of the word 'university' in a domain name. Applications may be disclosed to other Commonwealth Departments or agencies, including TEQSA and ASIC and State or Territory governments where required for the purpose of determining the outcome of the application. Applications will not otherwise be disclosed unless required or authorised by or under law. Outcomes of applications may be disclosed to other Commonwealth, State or Territory governments or agencies, including TEQSA and ASIC.
17. As a general rule, applicants will be notified in writing of the outcome of their application within two months of receipt. The time required to determine an application may be extended where it raises complex issues or additional information is required from the applicant. Applicants will be informed if the application cannot be determined within two months of receipt.

Revocation of consent

18. Consent to use the word 'university' in a domain name is granted on the basis of compliance with the criteria set out in these Guidelines. Consent may be revoked if this compliance is not ongoing. For example, consent may be reviewed or revoked if an applicant's circumstances significantly change to the extent that it no longer meets the criteria under which it was granted consent. The Department regularly checks domain names using the word 'university' to ensure compliance with these Guidelines.
19. auDA reserves the right to revoke any domain name licence that has been granted, or subsequently held, in breach of the relevant policy rules, including these Guidelines.

Review and appeal

20. Applicants who wish to appeal against a decision may seek an internal review of the decision by the Group Manager, Quality and Student Group. All requests for an internal review of a decision must:
 - a. be made to the following address within 28 days of the date of the decision:

Group Manager
Higher Education Reform Group
Department of Education
GPO Box 9880
Canberra ACT 2601

or:

highered@education.gov.au
 - b. be accompanied by the reasons why the applicant wants the decision to be reversed; and
 - c. address the reasons given by the decision maker in refusing the application.
21. Applicants should note that decisions will be internally reviewed only once. A request for the internal review of a decision that is not made within 28 days of the date of the decision may be refused.

Further enquiries

22. Further enquiries regarding applications for use of a domain name that includes the word 'university', and these Guidelines should be directed to the Department at the address stated in paragraph 12 of these Guidelines, or via email to highered@education.gov.au.