

The registration under the .de TLD from an eGovernment view

Can Germany learn from Australia?

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Australian Government

Department of Finance and Administration

Australian Government Information Management Office

Structure

1. Why is domain registration an eGovernment topic?
2. Different procedures (policies) for the registration of government domain names in Germany and Australia
3. Consequences in Germany
4. Proposals for my thesis
5. Is Australia an example for Germany?



Domain registration - eGovernment topic?

- Home-page of an agency (federal, state or local level) is the most important gate for eGovernment applications
- Need for registration of a domain name (as part of the URL) and construction of a homepage
- Local government level
 - Germany: over 12.000 councils in 16 states → 12.000 web pages
 - Australia: almost 700 councils in 6 states/1 territory → 600 web pages
- Search for an attractive domain to offer government services
- Start of eGovernment use by citizens is searching for the gate and entry of the URL



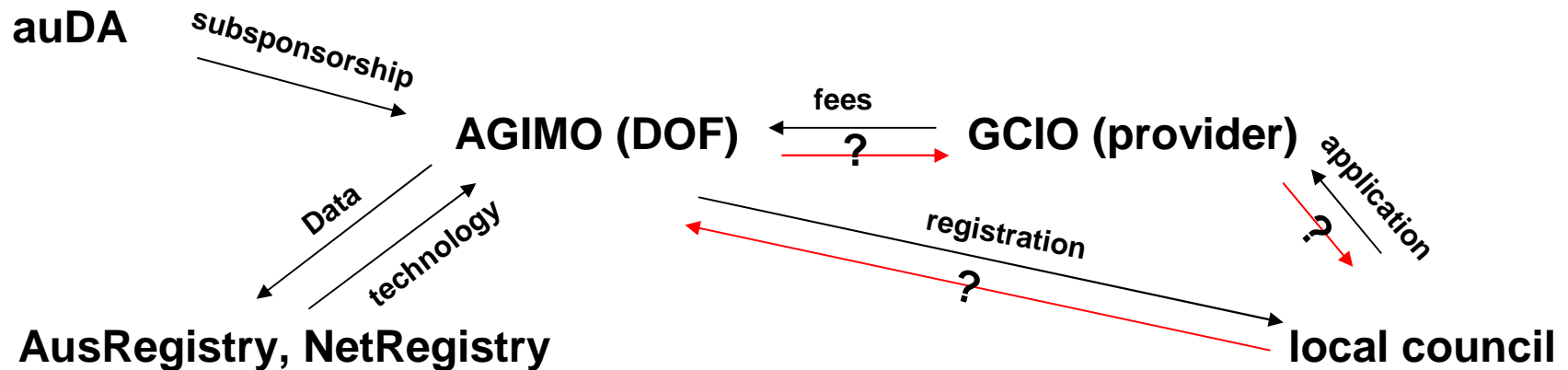
Registration in Germany

- ccTLD .de, nonexistence of a sublevel domain structure
- Central registry: DENIC - non profit organisation
- Almost fully automatic registration system
- Registration is open to both German and foreign natural and legal persons, no legal check of the choosen domain name by registry
- Contract between government agency - DENIC
- Influence of the German government
 - member in the advisory board
 - no need for a further influence – „DENIC is working successful, internet community is accepting the system“



Registration in Australia

- ccTLD .au, subleveldomain system (.com.au, id.au, gov.au...)
- Registration for government bodies under .gov.au and state.gov.au (nsw.gov.au)
→ citizens expect to find official webpages under .gov.au subdomain(s)
- auDA – official registry, gov.au managed by AGIMO, subsponsorship by auDA
- Councils in NSW: „agreement between agencies“ - AGIMO, GCIO, councils



- Policy: Only government bodies are entitled to register under .gov.au



Consequences in Germany

- High acceptance of the ccTLD → domain space overcrowded
- Competition between legal and natural persons (government agencies, companies...) about domain names
- Initiative for new TLDs (.berlin, .bayern, .nrw in the future?)
- 12 year birthday of a complex German domain name law
- Government sector: not every agency has the possibility to register under the preferred domain www.nameofagency.de
- Citizens view
 - Locating domain name
 - Security
 - Trust

→ **Structural weaknesses of the .de ccTLD**



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Domain name law in Germany

„heidelberg.de“ as a fictitious example

- City, companies, citizens with the name „Heidelberg“
- First come, first served?
- German civil courts are responsible for the name law decision

- German civil code (BGB)

„§12 – *right of a name*“

*If the right of a person to use a **name** is **disputed** by another person, or if the **interest** of the person entitled to the name **is injured** by the **unauthorised use of the same name** by another person, the person entitled may require the other to remove the infringement. If further infringements are to be feared, the person entitled may seek a **prohibitory injunction**.”*



Domain name law in Germany

- Is a domain name a name? TLDs, SLDs...?
- Unauthorized use of the same name (2nd alternative § 12 BGB)

Problem: Cases of name identity – unauthorized use?

shell.de

- First come first served (principle)
 - Exception: Well known persons (What is a well known person?)
 - Individual cases
- Conflicts between name law and trade mark law



Suggestions for my thesis

- Change of the .de policies in general
 - Introduction of a .gov.de domain
 - Guidelines for the new .gov.de
 - Change of the structure of the name space?
 - Possibility of the introduction of new TLDs (e.g. bank.de)
- Administration of the .gov.de domain by a government agency
- Stopping new city TLDs (international thread)
- Risks



Australia (.gov.au) as example

- Registration of third level domains has more advantages than disadvantages
 - auDA as an example for DENIC (permanent revision of the policies, participation of the public)
 - Weak points:
 - Agreement between agencies (dispute resolution)
 - Chance to reform policies, connection with eGovernment
 - gov.uk as a good example from an eGovernment perspective
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Thank you very much!

Questions?

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