



Guidelines for applications to use the word 'university' in an Australian domain name

For decisions made under Section 204A of the *Tertiary Education Quality and Standards Agency Act 2011*

Introduction

1. Ensuring that the word 'university' is used appropriately in Australian domain names is one element of Australia's higher education quality arrangements. Section 204A of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act) specifies that an Australian domain name that contains the word 'university', or a word or expression of the same or a similar meaning, must not be issued unless an approval by the Minister for Education (the Minister) is in force.
2. Restricting use of the word 'university' in line with section 204A of the TEQSA Act will ensure that any domain name that includes the word 'university' is not used in a way that might mislead prospective students, education providers, other education stakeholders or members of the public, about the relationship between the website or email address concerned and either a specific higher education provider or Australian higher education providers in general.

Note: Where these Guidelines refer to the use of the word 'university' in a domain name, the reference to 'university' also includes words or expressions with the same or a similar meaning as the word 'university'.

3. The Minister has authorised the following Department of Education (the department) officers to assess applications to use the word 'university' in a business name:
 - i Secretary
 - ii Deputy Secretary, Higher Education, Research and International Group
 - iii First Assistant Secretary, Higher Education Division
 - iv an Assistant Secretary within Higher Education Division.

4. These guidelines set out the procedures and criteria that will apply when considering applications for consent to use the word 'university' in a domain name. Each application will be considered on its merits, having regard to the individual circumstances of the application.

Background

5. The Tertiary Education Quality and Standards Agency (TEQSA) is Australia's independent national quality assurance and regulatory agency for higher education. TEQSA's primary functions are to register and re-register higher education providers and accredit and re-accredit courses for those providers without self-accrediting authority (almost all the non-university providers).
6. TEQSA regulates higher education providers against the *Higher Education Standards Framework (the Threshold Standards) 2021*. The Threshold Standards set out the criteria that higher education providers must meet to be registered by TEQSA, including registration in a category that permits the use of the word 'university'.

Policies regarding use of the word 'university' in domain names

7. The Commonwealth protects use of the word 'university' in Australian domain names under section 204A of the TEQSA Act.
8. The '.au Domain Administration Limited' (auDA), the Government-endorsed administrator of the .au Country Code top level domain, maintains a Reserved List Policy, available at 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' in a domain name.
9. Suitable evidence to demonstrate approval could include prior approval by the Minister, or a person delegated by the Minister to grant consent to use the word 'university' in a domain name. This allows for situations where a website name is already approved for use and that registrant also wants to use the same name with a different extension. For example, an approval for UniXYZ.com.au is suitable evidence for also registering UniXYZ.au.
10. Evidence could also include where the Minister or their delegate has approved use of the word 'university' in a company name pursuant to the *Corporations Regulations 2001*, or in a business name under the terms of the *Business Names Registration Act 2011*, that is similar or closely related to the proposed domain name.
11. In each case, the registrant will have a letter from the department setting out the terms of approval to use the word 'university' in a domain, company or business name. The registrant may need to provide auDA with a copy of the approval letter to demonstrate that the Minister's consent has been given.
12. 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.



13. Domain name registrants who have not received the Minister’s approval to use the word ‘university’ in a domain name may have their domain name suspended or deleted for a breach of the auDA Reserved List Policy. Registrants should apply as soon as possible to the department under these guidelines for approval prior to the domain name being deleted.

Definitions

14. For the purposes of these guidelines:
- a. “education services” means the delivery or provision of education or training, including tutoring or instruction of any kind, and the undertaking of activities intended to directly support the delivery of education or training such as governance, management and student advisory or support services
 - b. words or expressions that have the same or similar meaning to the word “university” are specified in the *Tertiary Education Quality and Standards Agency Act (Words or Expressions with the Same or Similar Meaning to University) Determination 2021* legislative instrument made under section 204A(3) of the TEQSA Act. This instrument defines these additional expressions as:
 - i universities,
 - ii “uni”, but not where those letters are used as part of a longer word, which is not university (such as community or junior), and
 - iii a word in a foreign language that has the same meaning as the word university.
15. In practice, this means that a domain name that includes the letters “uni” in a way that could be interpreted as a discrete word would need to seek the Minister’s approval. Cases where the letters “uni” are part of a longer word – e.g. uniform, unicorn, tunic or immunisation – would not require the Minister’s approval.
- a. Examples of domain names that would not require the Minister’s approval:
 - unionofworkers.org.au
 - communityorganisation.org.au
 - unityservices.com.au
 - b. Examples of domain names that would require the Minister’s approval:
 - uni-on.com.au
 - onlineuni.com.au
 - uniservices.com.au
 - c. In cases where it is unclear that “uni” is intended to be read in isolation, the Minister (or their delegate) may request that approval be sought, to provide certainty.
 - d. Foreign translations of the word “university” could include words like “université” (French), “universität” (German), “universidad” (Spanish), “universitato” (Esperanto), or similar translations in other languages.



Criteria for granting consent

16. When deciding whether or not to give an approval to use the word 'university' in a domain name, the Minister (or their delegate) must have regard to whether the registrant is a registered higher education provider and to any matters specified in the *Tertiary Education Quality and Standards Agency Act (Matters Relevant to the Approval of Domain Names) Determination 2021* legislative instrument made under subsection 204A(10) of the TEQSA Act. These matters are reflected in the criteria outlined below.
17. Any affected domain names that otherwise meet the requirements for and are approved in the .gov.au and .edu.au second level domains (2LD) and include the word 'university' will be approved and do not need to provide any additional evidence. Domain names in these second level domains are subject to their own stringent criteria that mean any domain names that include the word 'university' will be appropriately scrutinised.
18. For all other domain names in an Australian top level domain space, consent to use the word 'university' in a domain name will normally be granted where the registrant:
 - a. is a higher education provider as defined in the TEQSA Act, and is or proposes to become 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 delegated by the Minister, to use the word 'university' in relation to a company or business name that is similar to the proposed domain name, or
 - c. is not a higher education provider as defined in the TEQSA Act, but is an overseas company or body approved to operate as a university in its home country by that country's registration or accreditation authority, or
 - d. is controlled entirely by another company or body that is a higher education provider (as defined in the TEQSA Act) which is registered by TEQSA in a category that permits the use of the word 'university', and
 - i the application is supported in writing by the higher education provider concerned, and
 - ii the proposed name accurately reflects the purpose for which the domain name in question is being created, or
 - e. is an Australian Government-funded Regional University Centre, and the proposed name accurately reflects the activities of that university centre, or
 - f. is a Commonwealth, State, Territory or Local government entity, or
 - g. is the owner or authorised user of a registered trademark in Australia or overseas that is an exact match of the domain name and the name is unlikely to mislead or consumers as to the nature of the entity or its relationship to a specific higher education provider or Australian higher education in general, or
 - h. 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 an education provider and:
 - i the proposed domain name is unlikely to mislead people about the nature of the activities, or its connection to an existing higher education provider, or
 - ii if the proposed domain name implies a connection with an existing university (for example, SydneyUniCatering.com.au), the application is supported in writing by the



higher education provider concerned, and the proposed name accurately reflects the purpose for which the domain name in question is being created.

19. Where the registrant intends to provide education services, or information about education services, approval will only be granted under the criteria at items 16(a - g).
20. Where no application has been received for a recently registered domain name that uses the word 'university' or a word or expression of similar meaning, the department may ask the registrant to apply for approval. If no application is received within the period specified in the request, approval to use the domain name will not be granted.

How to apply

21. Applicants should specifically address the above criteria and include all required supporting documentation, listed below in paragraph 11. Submit all applications to:

Assistant Secretary
Funding and Workforce Policy
Higher Education Division
Department of Education
GPO Box 9880
Canberra ACT 2601

Or by email at:

HEstandards@education.gov.au.

Supporting documentation

22. All applications must include the following supporting documentation:
 - the proposed domain name
 - the name of the applicant and any company, registrable Australian body or foreign company related to use of the domain name
 - a description of the intended nature of any proposed website and the relevant criterion in paragraph 16(a-h) under which approval is sought
 - a statement on whether the registrant intends to provide education services of any kind, or information about education services, or to issue higher education awards, or intends in any other respect to operate or purport to operate as an education provider, and
 - if the domain name has a connection with an existing higher education provider, as outlined in criterion 16(d) or 16(h)(ii), written support for the application and proposed domain name from a senior delegate of the relevant higher education provider.



23. The application form and these guidelines can be accessed online at the Department of Education website at [education.gov.au/quality-and-legislative-frameworks/guidelines-use-word-university](https://www.education.gov.au/quality-and-legislative-frameworks/guidelines-use-word-university).

Processing of applications

24. In considering an application, the decision maker may, in writing, seek additional information from a registrant.
25. A written notice requesting additional information will specify the date by which the registrant must provide the information. If a registrant fails to comply with such a request for further information, the decision maker will consider the application based on the available information and may refuse the application.
26. Applications will be managed 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 the Australian Securities and Investments Commission (ASIC) and to 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.
27. Generally, registrants 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 registrant. Registrants will be informed if the application cannot be determined within two months of receipt.
28. The department will notify auDA when a decision has been made to grant or not grant consent to use the word university in a domain name. If the application was rejected, auDA will suspend capacity to use the domain name, revoke any licence that has been issued for its use and block future applications to use the domain name in question.

Revocation of consent

29. Consent to use the word 'university' in a domain name is granted based on 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 a registrant'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.
30. 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

31. If an application to use the word 'university' in a domain name is refused, the applicant may submit a revised application to the department along with new supporting material, or apply for a different domain name that meets the criteria set out in paragraph 16.
32. An applicant may also seek judicial review of decisions under the *Administrative Decisions (Judicial Review) Act 1977* or the common law and should seek their own advice in relation to any such review.

Further enquiries

33. All enquiries relating to applications for use of the word 'university' in a domain name or these Guidelines should be directed to the department via email to HEstandards@education.gov.au.

Criminal Code

34. In respect of information of any kind submitted to the Minister or the Commonwealth, the *Criminal Code Act 1995 (Cth)* provides that giving false or misleading information is a serious offence.

