

# OUR CUSTOMER TERMS

## CLOUD SERVICES –DOMAINS

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Certain words are used with the specific meanings set out below or in the [General Terms section of Our Customer Terms](#).

## 1 ABOUT THE DOMAIN NAMES SECTION

- 1.1 This is the Domain Names section of Our Customer Terms for domains purchased and managed through the Telstra Apps Marketplace. Depending on the nature of the products and services you are receiving under this Cloud Services section, provisions in other parts of the Cloud Services section, as well as in the General Terms of Our Customer Terms at <http://www.telstra.com.au/customer-terms/business-government/index.htm>, may apply.
- 1.2 Unless you have entered into a separate agreement with us which excludes them, the General Terms section of Our Customer Terms also applies. See section one of the General Terms of Our Customer Terms at <http://www.telstra.com.au/customer-terms/business-government/index.htm> for more detail on how the various sections of Our Customer Terms are to be read together.
- 1.3 See section one of the General Terms of the Cloud Services section for more detail on how the various parts of the Cloud Services section are to be read together.

## 2 DOMAIN NAMES

### What is domain name administration?

- 2.1 The Domain name administration service allows you to register, transfer, host and manage domain names through the Telstra Apps Marketplace in accordance with the provisions below.
- 2.2 You can apply to register one or more of the following types of domain names through the Telstra Apps Marketplace:

International Domains	Australian Domains
.com .net .org .info .biz each a " <b>International Domain</b> " or top level domain.	.com.au .net.au .org.au each a " <b>Australian Domain</b> " or second level domain.

### Eligibility

- 2.3 You can apply for domain name administration through the Telstra Apps Marketplace:

- (a) either as part of a new application for an internet access service or as part of an existing internet access service;
- (b) if you wish to acquire domain name administration services through Telstra Apps Marketplace in connection with that internet access service; and
- (c) if you intend to use your domain name solely for legitimate business activities and not for the purpose of resale or preventing third parties from using that domain name.

### 3 SERVICE FEATURES

#### General

3.1 You can either apply to:

- (a) register an eligible new domain name; or
- (b) transfer an existing domain name for administration;

through the Telstra Apps Marketplace.

3.2 Once your domain name is accepted by us for administration through the Telstra Apps Marketplace, we will:

- (a) host your domain name on our DNS servers immediately upon registration of your domain name, or, where you transfer administration of your domain name to Telstra Apps Marketplace, when you activate domain name hosting for that domain name through the DNS Management portal;
- (b) manage your domain name resource records through a DNS Management portal; and
- (c) auto renew your domain name on domain expiry date through the Telstra Apps Marketplace,
- (d) provide you with the ability to redelegate your domain to another DNS name server of your choosing.
- (e) in accordance with the relevant clauses below.

#### Registration

3.3 If you apply for registration of a new domain name through the Telstra Apps Marketplace then we will try to procure registration of that domain name with our nominated registrar or reseller.

3.4 You must be eligible to register and hold your chosen domain name in accordance with the applicable domain name policies. You warrant to us that you are eligible to register and hold your chosen domain name.

3.5 We do not guarantee that you will be successful in your application to register your chosen domain name. You must not take any action with

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respect to your requested domain name until registration has been effected and we have notified you of the registration.

- 3.6 If your application is successful, the registrar of record for your domain name will be our nominated registrar. You can confirm the applicable registrar for your domain name at any time by using the InterNIC Whois lookup service available at [www.internic.net/whois.html](http://www.internic.net/whois.html) or through AusRegistry at <http://ausregistry.com.au/whois>.

### Transfer of your existing domain

- 3.7 You can apply to transfer administration of your existing domain name to the Telstra Apps Marketplace. If your application is successful then:

Type of domain name	Transfer-in procedure
International Domains	<p>We will:</p> <ul style="list-style-type: none"><li>take over administration of your domain name (however we will not host your domain name until you activate domain name hosting through the DNS Management portal);</li><li>renew your domain name at the time of transfer for a further 12 months from the current expiry date; and</li><li>charge you the relevant domain name renewal fee set out on the Telstra Apps Marketplace.</li></ul> <p>You will not lose any of your current registration period as a result of this transfer.</p>
Australian Domains	<p>If your domain name is within 90 days of the current expiry date for your domain name then we will:</p> <ul style="list-style-type: none"><li>take over administration of your domain name (however we will not host your domain name until you activate domain name hosting through the DNS Management portal);</li><li>renew your domain name at the time of transfer for a further 24 months from the current expiry date; and</li><li>charge you the relevant domain name renewal fee set out on the Telstra Apps Marketplace.</li></ul> <p>If your domain name is outside of 90 days of the current expiry date for your domain name then we will:</p> <ul style="list-style-type: none"><li>take over administration of your domain name (however we will not host your domain name until you activate domain name hosting through the DNS Management portal); and</li></ul>

Type of domain name	Transfer-in procedure
	<ul style="list-style-type: none"> <li>send you a renewal notice at the relevant time in accordance with the renewal procedure below.</li> </ul> <p>You will not lose any of your current registration period as a result of this transfer.</p>

- 3.8 You must provide us with all information we reasonably request in order to transfer administration of your domain name to the Telstra Apps Marketplace.
- 3.9 We may refuse to process your application to transfer administration of your existing domain name to the Telstra Apps Marketplace on reasonable grounds, including:
- if your domain name is an International Domain, the domain name has been registered with your current registrar within the last 60 days;
  - the domain name has been locked (whether as a result of expiry of that domain name, security reasons or otherwise);
  - we reasonably believe that you are a credit risk;
  - we reasonably believe there is a dispute over the identity of the domain name licensee;
  - in accordance with any relevant domain name dispute resolution policies; and
  - you not following the required steps under the transfer-in procedures in accordance with the domain name policies.

### Domain name hosting

- 3.10 We will host your domain name records on our (or our suppliers) DNS servers. We will commence hosting your domain name records when the registration through the Telstra Apps Marketplace of your domain name is successful.
- 3.11 You have the ability to redelegate your domain name to DNS server of your choice through Telstra Apps Marketplace. You are responsible for ensuring you redelegate your domain name to another DNS server correctly. Failure to do so will result in downtime of your email or webhosting service that is linked to your domain name.

### DNS Management portal

- 3.12 We will provide you with access to a DNS Management portal which allows you to create and maintain certain DNS resource records. We do not guarantee that your access to the DNS Management portal will be continuous or fault free.

- 3.13 Due to Internet architecture it may take up to 48 hours for any changes to DNS records to fully propagate across the Internet.

### **Transfer of your domain name to another provider**

- 3.14 You can apply to transfer administration of your domain name from the Telstra Apps Marketplace to another provider.
- 3.15 If the relevant registrar of record for your new provider is the same as our nominated registrar then, on request, we will provide you with your registry key for you to procure your new provider to take over administration of your domain name.
- 3.16 You must do all things necessary under the domain name policies to allow us to transfer your domain name to a new registrar. If you do not do these things, or we are otherwise permitted under domain name policies not to transfer your domain to a new registrar, then we may refuse to process your application.
- 3.17 If you transfer administration of your domain name from the Telstra Apps Marketplace to another provider, we will cease to provide domain name administration for that domain name. Your domain name hosting will automatically cancel.

### **Change of registrant**

- 3.18 You can apply to transfer your domain name to a new registrant.
- 3.19 There are some circumstances where you cannot transfer a domain name to a new registrant (for example, in the case of Australian Domains, you cannot transfer a domain name within 6 months of your initial registration). We will notify you if you are prohibited from transferring your domain name to a new incoming registrant.
- 3.20 You must ensure that any incoming registrant is eligible to hold the domain name in accordance with the domain name policies.
- 3.21 If the incoming registrant would like to continue administration of the domain name through the Telstra Apps Marketplace then:
- (a) the incoming registrant must sign-up to the Telstra Apps Marketplace (including accepting the terms of use); and
  - (b) you and the incoming registrant must complete the relevant transfer form (which we will provide to you) and submit that form to us.
- 3.22 If your application to change registrant is successful and the incoming registrant agrees to continue to administer the domain name through the Telstra Apps Marketplace then:

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Type of domain name	Change of registrant
International Domains	<ul style="list-style-type: none"><li>• we will continue to administer the domain name through the Telstra Apps Marketplace for the incoming registrant;</li><li>• we will renew that domain name at the time of transfer for a further 12 months from your current expiry date;</li><li>• we will charge the incoming registrant the fees for change of registrant (including an additional fee for the further 12 month renewal) set out in the relevant application form.</li></ul>
Australian Domains	<ul style="list-style-type: none"><li>• we will continue to administer the domain name through the Telstra Apps Marketplace for the incoming registrant in accordance with these terms;</li><li>• the current registration period for that domain name will end and a new registration period of 24 months will commence from the date of transfer; and</li><li>• we will charge the incoming registrant the fees for change of registrant (including an additional registration fee for the new 24 month registration period) set out in the relevant application form.</li></ul>

- 3.23 If the incoming registrant does not want to continue to have the domain name administered through the Telstra Apps Marketplace then you must procure that the registrar of your domain name transfer the domain name to the new incoming registrant (including paying any applicable fees imposed by the registrar) and we will cease to provide domain name administration for that domain name.

### Your responsibilities

- 3.24 You must ensure that all details associated with your domain name are kept up-to date, including all relevant contact details.
- 3.25 Certain details (including administrative, technical and billing contact details) for your domain name will be accessible to the public. You consent to us disclosing this information to our nominated registrar and having this information entered in the relevant domain name public registries.
- 3.26 You must comply with the policies, terms and conditions and other related items set out at <http://www.melbourneit.com.au/policies/> (as amended by the registrar from time to time).
- 3.27 If your domain name is:
- (a) an International Domains, you must comply with the policies applicable to such domain names as issued by the Internet

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Corporation for Assigned Names and Numbers (**ICANN**) (as amended by ICANN from time to time); or

- (b) an Australian Domain, you must comply with the .au Domain Name Eligibility and Application Policy Rules issued by .au Domain Administration Limited (**auDA**) located at <http://www.auda.org.au/> (as amended by auDA from time to time).
- 3.28 Due to the way in which domain names are regulated, additional policies relating to your domain name may come into effect from time to time, and you must comply with such additional policies.
- 3.29 If there is a dispute regarding your domain name, your domain name will be subject to arbitration, suspension or cancellation in accordance with auDA or ICANN procedure, or by any registry administrator procedure approved by auDA or ICANN policy, relating to:
- (a) the correction of mistakes by us or the registry administrator in registering the domain name; or
  - (b) the resolution of disputes concerning the domain name.
- 3.30 If changes or modifications are made to the auDA or ICANN policies or registry administrator procedure and you continue to maintain registration of your domain name after those changes or modifications become effective, you confirm your acceptance of those changes and modifications.
- 3.31 If there is a dispute regarding your domain name, you must submit to the jurisdiction of the courts as provided in the applicable procedures.

### **Additional cancellation or suspension rights**

- 3.32 The suspension and cancellation provisions set out above in the T-Suite General Terms do not apply.
- 3.33 If you wish to cancel your domain name administration service, you must:
- (a) tell us that you would like to cancel your domain name administration service through the Telstra Apps Marketplace; and
  - (b) transfer administration of your domain name to another provider.
  - (c) We will then cease to provide domain name administration for that domain name.
- 3.34 If your domain name registration expires or you choose to cancel your domain name, your domain name will be released by the registrar to be available for public registration and we will cease to provide domain name administration for that domain name.
- 3.35 Any software or applications which rely on your domain name may not function correctly once your domain name registration has expired or been cancelled.



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3.36 In certain circumstances, you may be able to redeem your domain name after expiry or cancellation. We can notify you if you are able to redeem an expired or cancelled domain name on request. If we are able to redeem your domain name on your behalf, we will charge you a fee for redemption of a cancelled or expired domain name as set out on the Telstra Apps Marketplace.

3.37 If we choose to change our nominated registrar from time to time, and you do not consent to your domain name being transferred to our new nominated registrar then:

- (a) your domain name will continue to be administered through the Telstra Apps Marketplace until the end of your current registration period with our existing nominated registrar;
- (b) we will not renew your domain name after your then current registration period; and
- (c) you must choose to either:
  - (i) become a direct customer of our current nominated registrar; or
  - (ii) transfer your domain name to a new registrar.

If you do not choose to do either of these things, then your domain name registration will expire.

3.38 We may suspend hosting your domain name on our DNS Services where we reasonably believe you are in breach of our Acceptable Use Policy until such breach has been remedied. We will notify you about the reasons that motivated the suspension.

3.39 We may choose to exit the domain name administration service in future. If we do, we may move the administration of your domain name to our then current registrar.

3.40 We may suspend or cancel your domain name in accordance with the relevant domain name policies.

## 4 CHARGES

4.1 We will charge you the fees and charges set out in the Telstra Apps Marketplace.

## 5 TERM

5.1 The relevant registration period for domain names registered through the Telstra Apps Marketplace are as follows:

Domain type	Registration period
International Domains	12 months

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Australian Domains	24 months
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- 5.2 The renewal provisions set out above in the Telstra Apps Marketplace General Terms do not apply.
- 5.3 The renewal procedures for domain names administered through the Telstra Apps Marketplace are as follows:

Type of domain name	Renewal procedure
International Domains	Each International Domains domain name administered through the Telstra Apps Marketplace will be automatically renewed. We will send you a Domain renewal notice at 30 days prior to Domain expiry date notifying you the domain will be auto renewed on expiry date. You can disable auto renewal by going to your Telstra Apps Marketplace account. We will contact you prior to the expiry of you domain name.
Australian Domains	Each Australian Domain name administered through the Telstra Apps Marketplace will be automatically renewed. We will send you a Domain renewal notice at 30 days prior to Domain expiry date notifying you the domain will be auto renewed on expiry date. You can disable auto renewal by going to your Telstra Apps Marketplace account. We will contact you prior to the expiry of you domain name.