



## ***.fr* Naming Charter**

**Registration rules  
for *.fr* domain names**

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## Preamble

The Association Française pour le Nommage Internet en Coopération (hereinafter referred to as the AFNIC) is an association governed by the provisions of the law of 1 July 1901 and is responsible for allocating and managing domain names in the naming areas for the national territory within its remit

The AFNIC acts as a registry and carries out its mission in regards to the provisions of article L.45 and R.20-44-34 article and the following ones of the French Post and Electronic Communications Code.

The domain names administered by the AFNIC are allocated in the public interest, according to publicised and non-discriminatory rules aimed at ensuring, in particular, applicants' compliance with intellectual property rights.

To this end, the AFNIC has drawn up, according to the decisions of its managing bodies and in close cooperation with its consultative committees, a set of rules governing the registration and maintenance of the domain names it administers.

These rules, together with the guidance documents and in particular the procedures manual, form a single contractual document called "The AFNIC naming Charter".

## Article 1 - Objective

The domain names administered by the AFNIC are allocated in the public interest, according to publicised and non-discriminatory rules aimed at ensuring, in particular, applicants' compliance with intellectual property rights.

The Charter constitutes all these rules that apply to all individuals or corporate entities that request an AFNIC intervention on one or more domain names, whether its position is the one of the holder, the registrar or a third party.

## Article 2 – Naming Charter constituents

The AFNIC Naming Charter is composed of:

- the present document;
- the procedures manual;
- the naming conventions; ;
- the Dispute Resolution Procedures policy of the French extensions;
- the data publication and access policy of *.fr* registrations;

and in a more general way, to all the documents and procedures adopted by the AFNIC.

## Article 3 - Enforceability

Simply by requesting the registration or transmission of a domain name, the holder is deemed to be aware of the terms of this Charter and to have accepted them without reservation.

Electronic validation, requests sent to the AFNIC whatever their format and payment of sums incurred by registering a domain name or any other administrative act are understood to be simply reiterating this acceptance.

The enforceable version of the AFNIC naming Charter is the version available on the AFNIC website on the date of receipt by the AFNIC departments of any administrative request whatsoever.

Unless an exception is defined in the regulatory way by decision of the Electronic Communication Minister, or by the Board of Directors, new policies are to be applied immediately and without any retroactive effect.

Unless an exception is approved by a decision of the Board of Directors, the application of new rules is immediate and has no retrospective effect.

## Article 4 - Categories of domains

The naming areas controlled by the AFNIC are:

- the *.fr* first level domain;
- second level domains.

First level domains include naming conventions (<http://www.afnic.fr/obtenir/chartes/nommage-fr/annexe-conventions-nommage>) which are registered in a common format and are reserved exclusively for entities in the activity sector in question.

Second level domains can be broken down into:

- second level descriptive domains (<http://www.afnic.fr/obtenir/chartes/nommage-fr/annexe-descriptifs>) designed to identify an activity or title of some kind:
  - *.tm.fr* for holders of brands;
  - *.asso.fr* for associations;
  - *.nom.fr* for surnames;
  - *.com.fr* which is open to any identified applicant, with no requirement to prove the requested name;
- second level sector names (<http://www.afnic.fr/obtenir/chartes/nommage-fr/annexe-sectoriels>) designed to identify an industry or regulated sector.

The AFNIC's governing bodies, in cooperation with the consultative committees,

decide upon the creation or withdrawal of second level descriptive domains.

A second level descriptive domain can only be withdrawn if there are no remaining active domain names and is subject to a notice period of 6 (six) months inviting holders of domain names affected by the withdrawal to change their domain name.

The withdrawal of a second level sector domain is carried out and the consequences handled by the responsible authority.

The AFNIC decides upon the creation of a second level sector domain on receipt of a request from a responsible authority.

## **Article 5 - Holder of a domain name in the .fr area**

Individuals and corporate entities which meet the eligibility requirements and criteria for first and second level domains can hold domain names within the .fr area.

## **Article 6 - Administrative contact**

When submitting a registration application, the holder of a domain name must designate “an administrative contact” and maintain this contact throughout the entire usage period of the domain name. This contact can be changed via the registrar.

The administrative contact is, at the holder's discretion, an individual or a corporate entity which may be external to the holder, for instance a registrar.

The administrative contact must be based in France and have an effective address in France to which legal and extrajudicial documents can be sent.

With regard to corporate entities, “based in France” refers to companies whose headquarters are located in France or which have an address in France identified in the public databases of the commercial court registries or the INSEE (French national institute of statistics and economic studies). Individuals must be able to prove an address in France for over 3 (three) consecutive months prior to requesting the administrative act.

The administrative contact may be contacted in connection with administrative acts on the domain name, according to the provisions in the procedures manual. Their contact details are published in the Whois database.

If the holder is an individual, with the exception of a holder of a brand, the administrative contact can request that his or her personal data is not published in the Whois database. However he or she may still be contacted by email without their contact details having been made available.

The AFNIC cannot be held responsible under any circumstances for the relationship, regardless of the nature, between the holder of a domain name and the administrative contact.

## **Article 7 - Accessibility**

It is imperative that the AFNIC can contact either the holder of the domain name or the administrative contact, depending on the case in question.

In order to do so, the holder and administrative contact must each communicate and keep up to date a phone number and an email address as well as accurate identification elements. During the whole time the domain name is maintained, they are both required to update without any delay the information they have communicated through their registrar.

The holder and the administrative contact must therefore each advise and ensure the continued functionality of a telephone number and an email address.

Failure to comply with this obligation will result in the blocking, and if applicable the subsequent withdrawal, of the domain name.

## **Article 8 - Right to domain names**

The holder of a domain name has the right to use this name throughout the entire validity period of the registration.

They may use their domain name according to the terms of the naming Charter.

The holder bears sole responsibility for registering, using and operating a domain name.

The AFNIC has a pre-emptive right as well as the right to recapture if the domain name must be seized for imperious reasons. The AFNIC has a takeover right and a pre-emptive right, in particular where a term would need to be added to the list of basic terms that cannot be allocated. A notice period of 6 (six) months, reduced to 3 (three) months in cases of proven urgency, is required to exercise the takeover right to allow the holder to choose another domain name and ensure a smooth migration.

The AFNIC's mission does not entitle it to any intellectual property right to domain names.

## **Article 9 - Validity of domain names**

A domain name is valid for 12 (twelve) months from the last operation invoiced to the registrar. This period is automatically extended unless a withdrawal request is received from the registrar.

The validity of the domain name is subjected to the provisions of article L.45 and article R.20-44-34 and the following ones of the French Post and Electronic Communications Code.

## **Article 10 – Eligibility within the .fr first level domain**

Individuals or corporate entities in one of the following three categories can register a

*.fr* first level domain name.

## 10.1 – Corporate entities

Corporate entities whose headquarters are located in France or which have premises in France and which can be identified in the following electronic databases:

- Commercial court registries;
- National corporate and trade register (INPI);
- National institute of statistics and economic studies (INSEE);
- REFASSO for associations.

State institutions and departments, regional authorities and their establishments

## 10.2 – Brand holders

Individuals or corporate entities which hold a brand registered with the national institute of industrial property or which hold a registered community trademark or international brand targeted specifically at the French market and which can be identified from the ICIMARQUES (INPI) database.

## 10.3 – Individuals

Adult individuals with an address in France.

## Article 11 - Registering a domain name within the second level

No registration request or any other administrative act can be carried out within a second level domain unless the applicant or holder can prove that they belong to this category according to the terms of this naming Charter.

The above provisions apply without prejudice to specific provisions governing the registration of domain names within *com.fr* and *.nom.fr* second level domains.

Supporting documentation must be sent to the AFNIC together with a registration application, verification is carried out before the domain name is installed.

Registering a domain name within a second level domain is not mandatory for corporate entities or individuals. They can register a domain name within the first level subject to compliance with the applicable constraints.

### 11. 1 Special rules within the *.tm.fr* second level descriptive domain

The *.tm.fr* extension is reserved for brand holders who wish to use their registered brand or part of the “brand field” as their domain name.

The following proof is accepted by the AFNIC:

- a registration application approved by the INPI;
- a final OHIM or WIPO certificate, provided that France appears as one of the countries affected by the registration.

With regard to *.fr* domain names created further to a registration application approved by the INPI, it is stipulated that:

- if the registration application for the brand sent to the INPI is rejected during the acceptance check and does not receive the status of “registered”, the AFNIC simply withdraws the domain name without notice and informs the registrar. The domain name then reverts to the public domain;
- if the brand is not published in the BOPI (French official bulletin of industrial property) within the regulatory period of 6 (six) weeks by the INPI and does not obtain “published” status, the AFNIC blocks the domain name for a period of 30 (thirty) days. If the situation is not rectified or additional information provided, the domain name is withdrawn without notice or compensation and the registrar is informed;
- if the brand has not been registered within the regulatory period of 6 (six) months by the INPI and does not obtain “registered” status, the AFNIC blocks the domain name for a period of 30 (thirty) days. If the situation is not rectified or additional information provided, the domain name is withdrawn without notice or compensation and the registrar is informed.

## 11.2 – Special rules within the *.asso.fr* second level descriptive domain

The *.asso.fr* extension is reserved for associations.

The following proof is accepted by the AFNIC:

- copy of the entry in the OJ;
- copy of the declaration to the prefecture (or other body, depending on local regulations);
- copy of the identifier in the INSEE directory.

The domain name must correspond in full or in part with the name of the association or its trading name as shown on the supporting document.

## 11.3 Special rules within the *.nom.fr* second level descriptive domain

The *.nom.fr* extension is reserved for individuals residing in France or French nationals residing abroad who wish to use their surname as a domain name.

This extension is based on the following syntax:

[surname.nom.fr] or [surname-free field.nom.fr]

The surname is the last name, maiden name or alias shown on the applicant's identity document.

#### **11.4 – Special rules within the *.com.fr* second level descriptive domain**

The *.com.fr* extension is reserved to persons described in article 10 of this Charter as well as French nationality individuals living abroad.

No proof of a name is required to register under the *.com.fr* extension.

Registration is only authorised if the term has not already been registered in an identical format in one of the public domain extensions.

Registration under the *.com.fr* extension does not prevent an applicant from subsequently registering the same term in one of the other public domain extensions.

#### **11.5 – Special rules within the *.prd.fr* second level descriptive domain**

The *.prd.fr* extension is reserved for research and development projects or programmes and supporting evidence is required in the form of a document certifying the reality of the said project or programme and corresponding with the title of this project or programme.

#### **11.6 – Special rules within the *.presse.fr* second level descriptive domain**

The *.presse.fr* extension is reserved for written or online press publications. Editors of written press publications are required to prove this status by submitting a copy of the ISSN document from the French ISSN Center.

For online press publications, Editors have to apply for an ISSN document at the French ISSN Center, in order to have their publication identified as a press publication. The ISSN document will be delivered within two months and will also be communicated to AFNIC in order to validate the domain name.

The chosen domain name must correspond with the key title of the ISSN document.

#### **11.7 – Special rules within second level sector domains**

Second level sector domains comply with specific rules which are issued, drawn up and implemented by a responsible authority.

These rules are available from the responsible authorities specified here: <http://www.afnic.fr/obtenir/chartes/nommage-fr/annexe-sectoriels>.

The AFNIC performs an initial check of registration applications for domain names within second level sector domains. A sector domain name can only be registered or transmitted if the application complies with the corresponding

naming regulation.

The AFNIC will block, and if applicable withdraw, a domain name at the request of the authority responsible for the sector. This authority bears all consequences arising from this operation, excluding all responsibility on the part of the AFNIC.

## Article 12 - Choosing domain names

### 12.1 General principles

The applicant may select any term(s) of his/her choice as a domain name and bears sole responsibility for this choice.

The applicant bears sole responsibility for checking the compliance of the requested domain name with the following (non-exhaustive) list:

- 1) if the domain is not considered as a reserved term as defined in the present Charter;
- 2) the terms must not comply with syntax constraints
- 3) the terms must not infringe third-party rights, in particular:
  - French or European intellectual property rights (literary and artistic property and/or industrial property);
  - competitive rules and proper business conduct;
  - the right to the last name, first name or alias of a person;
- 4) the terms must not contravene public decency or order, and in particular must not include any word:
  - the term must not be identical or be confused with a name under French or European intellectual property rights (literary and artistic property and/or industrial property);
  - the term must not be identical to the patronymic name of an individual,unless the applicant has a right or legitimate interest on this name and is acting in good faith;
- 5) the terms must not contravene public decency or order, and in particular must not include any word:
  - stipulated under the law of 29 July 1881 on the freedom of the press;
  - likely to be detrimental to the physical, mental or moral development of minors;
- 6) does not damage the name, image or reputation of:
  - the French Republic and its national institutions;

- the national service utilities, a territorial collectivity or a group of territorial collectivities.
- 7) Its aim or effect should not bring confusion to the public mind:
- with the French Republic or its national institutions;
  - with the national service utilities, a territorial collectivity or a group of territorial collectivities;
  - territorial collectivities or a group of territorial collectivities.

This decree concerns Internet domain names allocation and administration and amends the Post and Electronic Communications Code.

## **12.2 – Restrictions**

Reserved terms can not be chosen as domain names.

Reserved terms are composed of :

- prohibited terms that are excluded from the naming by nature,
- reserved terms, of which registration is possible under certain conditions, based on the identity, the status or the nature of the applicant.

If the registered domain name was to contain a reserved term, it may be retrieved by the AFNIC after random checks or initiated by third parties.

The Government, through the Electronic Communication Minister, can request to the AFNIC at any time that new terms be included in the list of reserved terms.

The list of reserved terms does not constitute an obligation of results for the AFNIC.

Any refusal of registration for a domain name considered as reserved can be contested to the Board of Directors of the AFNIC. Requests must be motivated.

### **12.2.1 – Prohibited terms**

Prohibited terms includes terms such as:

- abusive terms;
- racist terms;
- coarse terms;
- related to crimes or offenses.

These terms are included in a list updated by the AFNIC.

This list is scalable and the applicant is invited to consult the document online.

### **12.2.2 – Reserved terms**

Reserved terms include terms such as:

- 1) technical Internet terms ;
- 2) the names of regulated professions;
- 3) terms related to the mechanism of the State;
- 4) the name of the countries that have signed the Paris Convention;
- 5) the names or recognized terms of international organizations;
- 6) the names of French towns in their canonical form ; the document of reference can be directly accessed on the INSEE website;
- 7) the name of the French Republic, its national institutions and public services alone or combined with words referring to these institutions or services;
- 8) the name of a territorial collectivity, a public intermunicipal establishment, alone or combined with words or abbreviations referring to local institutions;
- 9) the name of an individual holding an electoral mandate associated to words referring to his elective functions.

Registration of reserved terms is regulated according to the dispositions specified in the procedure guide.

Dispositions 7 to 9 do not prevent the renewal of domain names registered before the date the decree n° 2007-162 of February 6<sup>th</sup>, 2007 on Internet domain names allocation and management was put into effect and modified the French Post and Electronic Communications Code:

- by a company with a name identical to the registered domain name and that holds the exact same name as a trademark registered before January 1<sup>st</sup>, 2004;
- by an association of defense and promotion of registered designation of origin whose name is registered as a domain.

The terms are either spontaneously included by the AFNIC or following an administration act on a domain name.

## Article 13 - Syntax constraints

Alphanumeric terms consisting of letters of the alphabet between A and Z, numbers from 0 to 9 and the hyphen symbol “-” are accepted as domain names.

The following domain names cannot be registered:

- names which consist of a single character;
- names which consist of only two letters;
- names which start or end with a hyphen “-”;
- names that comprise over 255 characters (63 between each “.” ) ;
- names that start with “xn--”.

## Article 14 - Processing administrative acts

Administrative acts are processed according to the following principles:

- Chronological processing of applications;
- Principle of the registrar as intermediary;
- Identification principle or holder eligibility verification for registering domain names within the *.fr* first level;
- Justification principle for registering domain names within the *.fr* second level.

### 14.1 – Principle of chronological processing of administrative acts

Administrative acts sent to the AFNIC by registrars are processed according to the “first come – first served” principle, in other words on the basis of the chronological order of receipt of applications.

The technical installation of domain names takes place on the day on which the AFNIC processes the application, for administrative acts which are administratively and technically in line with the AFNIC Naming Charter.

### 14.2 – Principle of the registrar as intermediary

For technical reasons, no administrative acts relating to a domain name can be sent directly to the AFNIC.

Requests for administrative acts must be processed by a registrar which acts as the interface between the applicant or the holder and the AFNIC.

An individual or corporate entity wishing to register or make any modification to

a domain name must choose a registrar from the list of registrars maintained by the AFNIC: <http://www.afnic.fr/obtenir/prestataires>.

For each application, the registrar sends the AFNIC the elements required to process the said request according to this document and the procedures manual.

### **14.3 – Identification principle or holder eligibility verification**

This operation is done, as applicable, by either the AFNIC or the registrar according to the provisions of the procedures manual.

If the application concerns a person specified in articles 10.1 and 10.2 of this Charter, the AFNIC is responsible for identification.

To do this, the AFNIC checks that the information supplied matches that which appears in the following databases: Commercial court registries, the national register of trade and industry (INPI), the national institute of statistics and economic studies (INSEE), REFASSO for associations, ICIMARQUES (INPI).

If they cannot be identified in the abovementioned databases, the AFNIC identifies State bodies and regional authorities and their offices by asking the registrar to send supporting documents.

With regard to domain names registered under the naming convention town “mairie-xxx.fr, ville-xxx.fr, cg-xxx.fr, cr-xxx.fr”, the AFNIC also checks that the name of the regional authority, the holder and the requested domain name all match.

AFNIC cannot be held liable for any errors or omissions in the said public databases which may affect the smooth operation of the registration process.

In the case of applications concerns one of the persons specified in article 10.3 of this Charter, the holder eligibility verification operation is done by the registrar, using the method of its choice:

- the reality of the applicant's identity;
- that the applicant meets the eligibility criteria, in particular the criteria of majority and territoriality.

Applications for domain names that end with withdrawal further to the identification or holder eligibility verification processes are still invoiced by AFNIC.

## **Article 15 - Occasional verifications**

### **15.1 – Guidelines**

The AFNIC does not make any precedence checks on domain names but remains

the watchman over the Naming Charter and the way it is applied.

In addition to the checks carried out to register a domain name, the AFNIC may, at its own discretion or at the request of a third party, check compliance with the terms of the Charter.

The aim of this verification procedure is not to remove the confidentiality of the holder's personal data if he or she has opted for limited publication.

The verification procedure helps to guarantee the reliability of the Whois database.

Should it decide to conduct this verification, the AFNIC may ask the registrar to provide additional information or documents, in particular:

- the AFNIC application (or);
- any document referring to the AFNIC application;
- confirmation of adherence to the criteria set out in the Charter for the individuals specified in article 10.3;
- additional guarantees on the legitimacy of his customer's request in regards to the choice of a domain name : in this case, and only this case, the registrar will have 15 (fifteen) days to satisfy this request and if necessary fill in the holder. The information given by the registrar or the holder is to be communicated to third parties in case of contestation.

The verification procedure helps to guarantee the liability of the Whois database.

## 15.2 – Verification results

- If this verification proves adherence to the provisions of the Charter and procedures manual, the holder cannot be subjected to a new verification for a period of 12 (twelve) months unless this is required by a legal requisition, a court ruling, or the procedures manual.
- Any verification that identifies a violation of the provisions of the Charter or procedures manual will result in the blocking, and if applicable withdrawal, of the domain name according to the provisions set out in the procedures manual.

In this case, the verification may be extended to all domain names held by the same holder. The holder, the administrative contact and the registrar(s) will be notified of the process.

According to approval N°2007-246 delivered by the French Data Protection Authority (CNIL), and after verifications according to the terms appointed by this approval, the AFNIC can forbid a holder to register domain names in the .fr zone.

The holder will then be added on a list called "exclusion list". According to the approval, only the concerned persons will be able to access this list.

## **Article 16 - Relationship between the domain name holder and the registrar**

In principle, there is no legal bond between the AFNIC, the applicant or the holder of a domain name.

The AFNIC cannot be held responsible for relationships, regardless of their nature, between the registrar and its customers (applicant or holder).

Likewise, the AFNIC cannot be held responsible for either the list of registrars or their technical skills.

These dispositions do not prevent the AFNIC from contacting directly the domain holder and/or administrative contact within the framework of a Dispute Resolution Procedure for Obvious Breaches of the dispositions set by article R.20-44-34 and the following ones of the French Post and Electronic Communications Code.

## **Article 17 - Orphan domain names**

If a registrar is no longer registered with the AFNIC, for whatever reason, in particular in the event of:

- failure to renew its annual agreement with the AFNIC;
- collective proceedings;
- discontinuation of activities in the area in question;
- cancellation of the agreement with the AFNIC for whatever reason.

Domain names administered by the said registrar are deemed to be “orphan domain names” and their holders must choose a new registrar.

The registrar is responsible for notifying the holders (its customers) in advance.

If the registrar fails to do this, AFNIC will advise the holder or the administrative contact by email of the need to select a new registrar according to the dispositions of the procedure guide.

This disposition is not a monitoring or vigilance obligation for AFNIC but a simple intervention in exceptional cases.

Blocked domain names are identified accordingly in the Whois database.

## **Article 18 - Invoicing domain names**

The right to use a domain name is subject to payment of:

- the creation cost;
- the annual maintenance cost;

- costs relating to the AFNIC's work.

All work carried out by the AFNIC is invoiced on the basis of the administrative acts, with the exception of:

- technical and administrative modifications;
- registrations of new domain names imposed by the AFNIC either further to exercising its takeover right or as the result of the withdrawal of a second level descriptive domain;
- withdrawal requests.

However, applications that result in the withdrawal of a domain name due to failure to identify the holder are still payable to the AFNIC.

Costs incurred by the AFNIC's work, as invoiced to the registrars, are approved by the AFNIC Board of Directors for each calendar year.

These costs are available to the public and can be viewed here: <http://www.afnic.fr/afnic/adhesion>.

The registrars are free to set their own pricing.

Invoices are sent to and paid by the registrar.

Costs of administration operations are payable to AFNIC as soon as they are done.

It is specified that the cost of registration is payable to AFNIC whatever the result of identification or holder eligibility verification.

AFNIC upon the technical installation of the domain name.

Annual maintenance fees are payable to the AFNIC one year after the last payable administrative act carried out on a domain name.

The cost of an administrative act is payable to the AFNIC on completion.

The AFNIC cannot be held responsible if a registrar's failure to pay for its services affects the administration of a domain name. Any objections and/or disputes in this respect are based purely on the relationship between the registrar and its customer.

## **Article 19 - Changing registrar**

The holder can change their registrar subject to the contractual commitments binding it to the existing registrar.

The holder is responsible for choosing a new registrar and instigating the modifications it must carry out.

The new registrar must ensure that this technical modification does not in any way

affect the ownership of the domain name.

When a new registrar is selected, the former registrar may instruct the AFNIC to check that the request has in fact been instigated by the holder of the domain name. This check is triggered by an email sent to [enquete-le@nic.fr](mailto:enquete-le@nic.fr).

The technical procedure for changing registrar and for initiating the investigation are set out in the procedures manual.

## **Article 20 - Freezing operations**

A freeze can be placed on operations for a domain name in the following circumstances. This list is by no means exhaustive.

- in the event of a legal ruling ordering a freeze on operations, supported by a temporary execution or with the authority of a final judgement as set out in the article relating to the forced transmission of domain names or vesting order;
- upon the instigation of an alternative dispute resolution procedure;
- upon the instigation of a Dispute Resolution Procedure for obvious breaches of the dispositions set by article R.20-44-34 and the following ones of the French Post and Electronic Communications Code.

Freezing operations cancels all operations currently being processed by the AFNIC along with the corresponding tickets.

On completion of one of these procedures, the freeze on operations is ended.

Domain names for which operations are frozen are identified accordingly in the Whois database.

## **Article 21 - Blocking a domain name**

The AFNIC blocks domain names whenever it identifies a breach of the terms or spirit of this Charter, in particular (this list is not exhaustive):

- in the event of unsuccessful verification;
- in application of the dispute resolution policy on the French extensions;
- in case a domain is recaptured because it is considered as a reserved term;
- in the event of registration criterias not respected by the holder or the administrative contact;
- if the email address of the administrative contact or the holder is/are not operational;

- if the domain name will become an orphan;
- in the event of a legal ruling ordering the blocking of the domain name, supported by a temporary execution or with the authority of a final judgement as set out in the article relating to the forced transmission of domain names;
- in the event of a decision taken within the framework of a Dispute Resolution Procedure for Obvious Breaches of the dispositions set by article R.20-44-34 and the following ones of the French Post and Electronic Communications Code.

This provision cannot be understood as an obligation to act on the part of the AFNIC, it simply represents an option.

Blocked domain names are identified accordingly in the Whois database.

## **Article 22 - Deleting a domain name**

For technical reasons, a deletion cannot be reversed.

Once a domain name has been deleted, it goes back to the public domain and can be registered by a new applicant.

A domain name can be deleted:

- at the request of the registrar without the AFNIC having to request justification;
- further to an unsuccessful verification during AFNIC activities;
- in application of the dispute resolution policy on the French extensions;
- if a situation is not resolved after a blocking period of 30 (thirty) days, in particular according to the articles about occasional verification and domain blocking, and according to the provisions set out in the procedures manual;
- further to a legal ruling supported by a temporary execution or with the authority of a final judgement as set out in the article relating to the forced transmission of domain names. This decision must be notified to the AFNIC, by messenger, by the instigating party;
- further to an instigation of an alternative dispute resolution procedure;
- further to a decision taken within the framework of a Dispute Resolution Procedure for Obvious Breaches of the dispositions set by article R.20-44-34 and the following ones of the French Post and Electronic Communications Code.

A domain name can be deleted without notice in urgent situations subject to the approval of the AFNIC Board of Directors.

The technical procedure for deleting a domain name is set out in the procedures manual.

## **Article 23 – Dispute resolution procedures**

The holder of a domain name undertakes to comply with the dispute resolution procedures for domain names according to the conditions set out below.

### **Article 23.1 – Alternative Dispute Resolution (ADR)**

The rules for Alternative Dispute Resolution can be found at the following address: <http://www.afnic.fr/doc/ref/juridique/parl>

It is specified that the AFNIC shall not be involved in any of the procedures instigated and cannot be held responsible for the activities of the said bodies nor for the decisions they pronounce.

These procedures are intended solely for disputes relating to the registration of domain names between a holder and a third party and do not apply under any circumstances to disputes relating to the AFNIC's liability or that of the registrars.

The AFNIC undertakes to implement within the specified deadlines, with regard to its own responsibilities, the decisions taken to apply an alternative dispute resolution procedure.

As an exception to the non-retroactivity principle, the application of alternative dispute resolution procedures applies to all domain names already registered.

### **Article 23.2 – Dispute Resolution Procedure for Obvious Breaches of the dispositions set by article R.20-44-34 and the following ones of the French Post and Electronic Communications Code.**

The rules of the Dispute Resolution Procedure for obvious breaches of the dispositions set by article R.20-44-34 and the following ones of the French Post and Electronic Communications Code can be found at the following address: <http://www.afnic.fr/doc/ref/juridique/predec>

It is specified that the AFNIC intervenes within the framework of this procedure only in obvious cases of breach of the article R.20-44-34 and the following ones of the French Post and Electronic Communications Code.

This procedure only aims at disputes that concerns the registration of a domain name between a holder and a third party and does not concerns disputes on AFNIC or registrar responsibility.

This procedure only allows a decision for the domain concerned by the dispute to undergo a transmission, a blockage or a deletion.

## Article 24 - Voluntary transmission of domain names

Domain names can be transmitted subject to adherence to the terms of the naming Charter, in particular, to the specificities from the identification constraints, which in this case are checked in advance by the AFNIC.

The AFNIC will only approve voluntary transmissions of domain names if the new holder has provided proof of the acceptance of the former holder, in accordance with the provisions of the procedures manual.

In the event of compulsory liquidation or any other collective procedure, the voluntary transmission form will be signed by the designated director.

## Article 25 - Forced transmission of domain names

The AFNIC will force the transmission of a domain name further to:

- a decision taken during an alternative dispute resolution procedure;
- a decision taken during a Dispute Resolution Procedure for Obvious Breaches of the dispositions set by article R.20-44-34 and the following ones of the French Post and Electronic Communications Code;
- merge treaty, partial contribution of assets...;
- a legal ruling in the following conditions:
  - After notification to the AFNIC, by messenger, from the instigating party, of a legal ruling with temporary execution as a matter of right according to article 514 of the new civil procedure code and proof of the notification of this ruling to the party;
  - (or)
  - After notification to the AFNIC, by messenger, from the instigating party, of a legal ruling, with temporary execution in the sense of article 515 of the new civil procedure code and proof of the notification of this ruling to the party and upon presentation of any collateralisation ordered by the judge according to article 517 of the new civil procedure code;
  - (or)
  - After notification to the AFNIC, by messenger, from the instigating party, of a legal ruling with the authority of a final judgement in the sense of article 500 of the new civil procedure with justification. This justification may take the form, for example, of a certificate of non-use or an appeal judgement.

If a legal ruling or decision pronounced in an alternative dispute resolution procedure is reversed, that is to say if a new decision is taken and as a result changes the previous

one, the AFNIC will carry out the new decision.

The AFNIC cannot process applications that do not comply with these conditions and cannot, due to its strict neutrality, be obliged to do so through the sending of letters, summons or copies of subpoena.

The administrative acts carried out by the AFNIC to apply a legal ruling or a decision taken after a dispute resolution procedure cannot incur its liability for any reason whatsoever. The applicant shall guarantee it against all recourse.

The procedure for the forced transmission of a domain name involves:

- The new holder benefiting from the ruling completes all the necessary processes with the AFNIC according to the provisions set out in the procedures manual.
- The new holder, who must pay the technical and administrative costs of the forced transmission, is responsible for any recovery of these costs from the previous holder
- The new holder must meet the requirements of the Charter within a period of 30 (thirty) days following the transmission of the domain name. On the expiry of this deadline, the domain name will be blocked for a period of 30 (thirty) days at the end of which, if the applicant has failed to comply with the terms of the Charter, the domain name will be withdrawn.

## **Article 26 - Confidentiality**

The information and documents held by or sent to the AFNIC, other than those available in the Whois database, are regarded by their nature as confidential and shall not be communicated to any third parties

This disposition does not prevent communications ordered by a legal process or in application with the dispute resolution procedure rules.

## **Article 27 – Whois database**

The AFNIC is the only owner of the « Whois » database composed of all the collected data necessary to identify corporate bodies and individuals that hold a domain name and for the domain registration process.

The AFNIC defines the technical operating conditions for this reference database and associated services, in particular, the DNS and Whois services. Its terms and conditions are defined according to the terms of the reference document called « Data publication & access policy ».

However, it cannot be held responsible for any technical problems relating to the operation of the Internet, nor for any interruptions to the service as the result of an event of force majeure or maintenance operations, whether these affect access to the

Whois database and/or the DNS services.

## **Article 28 - Personal data**

### **28.1 – Guidelines**

All processing relating to naming and for which AFNIC is responsible is carried out according French Data Protection Act.

The registrar is responsible for complying with the provisions French Data Protection Act, in particular with regard to its relationships with requesting bodies.

The duly identified holder of a domain name has the right to access his or her personal information held by the AFNIC or the registrar as applicable.

He or she also has the right to request a correction via their registrar, which may request an administrative amendment at any time.

### **28.2 – Limited publication**

To ensure the relevancy of the Whois database, all information relating to holders of domain names, administrative and technical contacts, whether individuals or corporate entities, must be published online and be available to all.

However, for domain names registered under the .nom.fr second level domain, or under the .fr first level domain, when the registration is carried out by an individual, the holder of the domain name can exercise an option called “limited publication”. In the case of registrations made by a holder specified in article 10.3, this option is activated by default.

This option means that no personal information (name, address, telephone, fax and email) is published online in the Whois database. Only technical information appears (technical contact - contact details of the registrar and DNS servers).

The administrative contact can also request that their personal contact details are not shown in the Whois database. However, they may be contacted by email without their details having been made available.

However, the AFNIC will send information if instructed by a legal requisition and/or the instigation of a dispute resolution procedure.

Moreover, it is possible to make a request in order to have the identity of the holder revealed through the « personal data disclosure form » available on the AFNIC's website. The identity disclosure is however not automatic, the AFNIC reserves the right not to satisfy this request depending on the status of the applicant or the purpose of this request.

## **Article 29 – Responsibilities**

Applicants, in particular individuals, are responsible for taking all measures deemed necessary to adhere to the terms of the Charter and take account of the information received from the AFNIC or the registrar in any form whatsoever (guide, online information, contractual information, frequently asked questions, information letter, and so on).

The applicant also bears sole responsibility for the truthfulness and completeness of the information he or she sends to the registrar.

The registrar bears sole responsibility for the proper technical processing of requests for administrative acts sent to the AFNIC, for entering data according to the holder's wishes, in particular with regard to personal information, and for ensuring the proper transmission of this data to the AFNIC.

The registrar bears sole responsibility for complying with the holder's wishes, in particular with regard to the protection of his or her personal data.

With regard to registrations requested by the individuals set out in article 10.3, the registrar has an obligation of due care with regard to the holder eligibility verification and for informing the applicant of the provisions to be adhered to in this Charter.

It must send the AFNIC, on request, all elements relating to an administrative act or a holder.

The AFNIC is obliged to allocate domain names in the public interest, according to publicised and non-discriminatory rules designed to ensure the applicant's adherence to intellectual property rights.

Neither the AFNIC nor the registrars can check the merits or legality of the holder's chosen domain name or the legality or conformity of the elements submitted by the applicant to support a registration application or any other administrative act (Kbis extract (company registration certificate), INPI or prefecture acknowledgement).

This provision should not be regarded as a monitoring or vigilance obligation on the part of the AFNIC, it is simply an option which can be implemented in exceptional situations.

With regard to the technical database and the Whois database, the AFNIC is under an obligation of due care and cannot be held liable for any errors, omissions, access problems, modifications or deletions resulting from an event of force majeure, an act of nature, fraud or if it is sent incorrect information.

## **Article 30 - Guarantee**

The holder guarantees the AFNIC against any action, complaint, claim or objection on the part of any person asserting any right whatsoever to a domain name, in consequence of a registration or a transmission.

The holder is therefore responsible for all damages payable by the AFNIC as the result of a dispute, pre-litigation or any other procedure, including the costs incurred in defending its interests and legal costs.

It is also responsible for the costs incurred by the AFNIC further to the application of the legal or transactional ruling.

### **Article 31 – Agreement of proof**

It is agreed that emails sent by the AFNIC to registrars and/or the holder have the weight of evidence.

The same applies to the tickets exchanged between the registrar and the AFNIC in connection with the processing of an application.

In the event of any dispute with regard to the date of receipt and/or processing of a request, the information on the AFNIC servers shall be definitive.

### **Article 32 - Modification of the Charter**

The AFNIC Naming Charter is an evolving document which is the result of reflection, work and agreements with its members and partners.

The new provisions are publicised in advance on the AFNIC website and are sent directly to the registrars who must then notify holders of these modifications.

## Glossary

**“Administrative act”** – A generic term encompassing all administrative or technical acts carried out by the AFNIC in connection with a domain name. **“Administrative modification”** – With regard to the holders specified in article 10.1 and 10.2, an administrative modification involves modifying the administrative information for the holder and the administrative contact (address, telephone number, fax, email address), with the exception of the holder’s name and these elements of his or her identification. With regard to the holders specified in article 10.3, an administrative modification involves modifying the administrative information for the administrative contact only. In the latter case, an administrative modification for the holder can only be carried out by the registrar responsible for the domain name.

**“AFNIC”** - The French Network Information Center is a non-profit making organization governed by the July 1 1901 law in charge of domain name allocation and management within the naming zones of the French territory.

**“Applicant”** – A private individual or corporate entity who requests the registration or transmission of one or more domain names via a registrar.

**“Blocking”** - An operation that involves withdrawing a domain name from the DNS service and making it inoperative. However, the domain name still appears in the Whois database and still belongs to its holder. A blocked domain name cannot therefore be registered by a third party.

**“DNS”** – Domain Name System (or Service) – A distributed database used to register Internet resources (computer, router, and so on) in the form of a domain name (e.g.: afnic.fr) and to match them with an IP address. The Internet protocol therefore carries out the conversion between the domain names and the IP numbers of machines connected to the Internet. Without the DNS, we would need to memorise website and email addresses in the form of the IP address of the domain (a sequence of figures. Example: my-contact@192.134.4.35).

**“DNS server”** – Name Server (NS). A server used to host a domain name. There are two types of domain name servers: primary server and secondary server.

**“Domain name”** – An alphanumeric term consisting of a radical and an extension corresponding to an IP address.

**“Holder”** – Individual or corporate entity which registers or maintains one or more domain names.

**“IP address”** – “Internet Protocol Address” also referred to as an “Internet address”. A unique address used to identify a resource (computer, router, for example) on the Internet. This address consists of a sequence of digits.

**“Naming”** – Policy for allocating domain names. This policy varies depending on the bodies authorised to manage Internet areas (.fr: AFNIC, .uk : Nominet, .com :

Verisign, ...).

**“Naming area”** – Overall area consisting of a first level domain and one or more second level domains. **“operations freeze”** - This operation involves preventing any modifications being carried out in connection with a domain name. This does not affect the operation of the domain name (access to the site, email addresses, renewal)

**“Orphan domain name”** – A validly registered domain name which is no longer maintained by a registrar.

**“Pre-emptive right”** – The pre-emptive right involves adding a domain name to the list of basic terms when a registration application is made, thus preventing the registration of the said domain name.

**“Procedures manual”** – A document setting out all the technical elements relating to the implementation of administrative acts on a domain name.

**“Registrar”** – A technical service provider which has concluded an agreement with the AFNIC and which is responsible for processing its customers’ requests (domain name applicants or holders). The list of registrars can be viewed here <http://www.afnic.fr/obtenir/prestataires>) (provided that the registrar has agreed to appear on the list).

**“Registry”** - Corporate entity in charge of Internet domain name allocation and management as described in the article L45 of the French Post and Electronic Communications Code.

**“Status”** – A status defining the possible actions which can be carried out on a domain name and the operation of the said domain name. There are currently three statuses:

- **ACTIVE:** The domain name is declared in the DNS (fully operational).
- **FROZEN:** the domain name is declared in the DNS, but no administrative or technical operations can be carried out.
- **BLOCKED:** the domain name is no longer declared in the DNS. It is no longer operational and no administrative and/or technical operations can be carried out.

**“Takeover right”** - The takeover right involves taking over, from the holder and without compensation, a domain name that has already been registered for legitimate purposes.

**“Technical modification”** – A technical modification involves modifying the DNS servers on which the domain name is installed without changing its registrar.

**“Ticket”** – An electronic message used to track the progress of an administrative act carried out by the AFNIC.

**“Transmission”** - A technical and administrative operation carried out by the AFNIC to transmit a domain name from one holder to another.

**“Unsuccessful verification”** - Verification carried out by the AFNIC that does not succeed in identifying the holder of a domain name, in particular where the information sent does not appear in the public databases or where the information in these bases differs from the information sent, or even where the databases cannot be accessed for any reason whatsoever.

**“Withdrawal”** – This operation involves withdrawing a domain name from the DNS service and the Whois database and returning it, now inoperative, to the public domain where it can be registered by a new holder.

**“Whois”** – Contraction of “who is”. Service used to search databases of registers to obtain information on a domain name or an IP address. These public references databases publish the contact persons for a domain name or IP address (administrative contact, technical contact, possibly billing contact). The administrative “Whois” database is not essential for the operation of the Internet as such, but it is available for all extensions. Its management mode and the formats offered are very different depending on the case. It allows you to find and contact the persons responsible for a domain name or an address if required, in particular in the event of a dispute.