

Public consultation, 12/07/10 – 12/09/10: making *.fr* domain names available across Europe

AFNIC has two years in which to open the *.fr* domain to individuals (“natural persons”) resident outside France but within the European Union, and to all Corporate entities established in the European Union.

As part of the Agreement it has entered into with the French government, AFNIC has undertaken to attend to the outcome of a concertation process before rolling out this new policy affecting many stakeholders.

That concertation process will include various stages during which the views of AFNIC’s various bodies and working groups will be reconciled, and also a stage in which the views of the Internet community will be sought.

On the basis of the draft policy for making the *.fr* domain available across Europe which had been presented to the General Assembly, AFNIC Board of Directors, at its meeting on 11 June 2010, decided to launch a public consultation.

AFNIC would like to have your suggestions about the changes needed in the process of registering domain names, and in particular about the qualification conditions for individual and corporate European nameholders and their identification.

Whether you are an individual internet user, nameholder, registrar, intellectual property agent, or interested in any other way, we would like to hear from you: please let us have your contribution to our thinking on this.

You can take part by completing this questionnaire, or just part of it, and sending it **before 12 September 2010:**

- either **by e-mail to consultation@afnic.fr** ; with the Subject line: AFNIC-consultation publique en vue de l’ouverture à l’Europe ;
- or **by post to:**
AFNIC, Immeuble International, 78181 St Quentin en Yvelines cedex, France

AFNIC will release a summary of your answers as no personal data will be disclosed.

Questionnaire

Subject 1: Details supplied by nameholders

Registrars get from nameholders the details needed to register a domain name; that information appears in full in AFNIC Whois database, except in the case of nameholders who are individuals.

- In the case of corporations: Company name, RCS/SIREN/trademark N°, address, telephone number and e-mail address;
- In the case of individuals: First and last name, date and place of birth, address, telephone number and e-mail address;

Note: these details are provided, as appropriate, on the basis of a mere declaration: AFNIC does not require any documents to be produced when a domain name is registered.

As part of making the *.fr* domain available across Europe, AFNIC plans to keep these identification details and to add – in the case of European corporate nameholders – the EC VAT number, if any.

Question 1: Do you agree with this approach?

Question 2: Are there other identification details you would like to see used?

Subject 2: Checking of details

In order to verify the details provided when a domain name is registered, AFNIC currently carries out spot checks or systematic searches to see whether the nameholder meets the qualification criteria and whether the contact details are correct.

It also checks that the administrative contact designated by the nameholder is a French resident.

When the domain is made available across Europe, AFNIC proposes to check the following:

- Nameholder's eligibility (Does the nameholder meet registration access criteria):
 - Individual nameholder: aged 18 or over? / Corporate nameholder: does it currently exist in law?
 - Geographically located in Europe?
- Whether the nameholder can be contacted:
 - Are the contact details right? (postal address, telephone number and e-mail address).
- Whether the administrative contact is a French resident.

Question 3: Do you think the criteria on this list are relevant?

Subject 3: Triggering checks

Checks on corporate nameholders have so far been conducted automatically during the month following initial registration, and again whenever there is a handover (change of nameholder) or a transfer (change of registrar).

In the case of individuals, there are no automatic identity checks, but the nameholder's qualification can be checked at the request of a third party or as part of AFNIC's own random checking.

Another point: once a nameholder has been successfully verified there can be no further check for a year (unless a third party makes a complaint, giving reasons, or in execution of a court judgement).

When the domain is extended to all of Europe, AFNIC will no longer be able to identify all corporate nameholders using online databases, partly because these are not standard across Europe (indeed, they are non-existent in some European countries), and partly for reasons of language.

For that reason, AFNIC proposes to stop checking corporate nameholders automatically during the 30 days following registration.

Instead AFNIC intends to apply a verification procedure to all nameholders in the following ways:

1. by sampling (criteria still to be specified);
2. at a third party's request (with reasons given);
3. at the request of the nameholder him/her/itself;
4. on other occasions (to be specified).

Question 4: What (s) arrangements do you think there should be?
(more than one choice possible)

- 1 – By sampling
- 2 – At a third party's request
- 3 – At the request of the nameholder him/her/itself;
- 4 - Other:

Subject 4: The various players, and the role of each

At present corporate nameholders are identified in the first place by AFNIC staff from the public online databases. If that search fails, AFNIC contacts the registrar for the documentation needed to identify the corporation, association, etc. Verification of an individual nameholder's qualification is begun by AFNIC, but it is the registrar's job to confirm the details entered.

When the domain is extended to all of Europe, AFNIC will no longer be able to identify all corporate nameholders using online databases, partly because these are not standard across Europe (indeed, they are non-existent in some European countries), and partly for reasons of language.

AFNIC has found three methods for quick and effective checking:

1. It can do searches using the resources available (databases, directories, etc.) and then refer to the registrar to make good any gaps;
2. It can contact the registrar immediately, who then takes on the job of making an adequate search;
3. It can contact the nameholder immediately, who then has the job of providing the necessary identification details/documents;
4. Other methods (to be specified).

Question 5: What do you think the arrangement should be?
(Only one choice possible)

- 1 – It can do searches
- 2 – It can contact the registrar
- 3 – It can contact the nameholder
- 4 – Other:

Subject 5: Deadlines for the nameholder to respond

At present the registrar has 30 days in which to contact a nameholder for verification, with a request to confirm the details entered when registering the domain name.

If this deadline is missed, AFNIC blocks the domain name (stops it working) for a period of 30 days, and if after that time there has still been no response from the registrar, AFNIC deletes the domain name.

Question 6: Do you think the present deadlines give long enough for nameholders to respond?

Question 7: If not, what deadline do you think would be appropriate for this procedure once the domain is made available across Europe?

Subject 6: Consequences of the verification procedure

As explained above, until now a domain name has been first blocked and then deleted if AFNIC gets no response in accordance with the Naming Policy. This procedure applies whatever the criterion being checked (qualification, contact details, existence etc.).

When the domain is made available across Europe, AFNIC will retain its discretion (which it has under the Order of 6 February 2007, Article R.20-44-49 para. 1) to block and then delete a domain name if the nameholder is unqualified or provides inaccurate details.

However, depending on the particular criterion whose verification was unsuccessful (for example, location outside Europe, or a wrong telephone number), AFNIC will not block names automatically, but only if that is a proportionate response to the problem found. AFNIC will publish its policy guidelines on embargoing names, which will take repeat offences into account, as well as any dishonesty in providing details.

Question 8: Do you agree with this analysis?

Question 9: Which criteria, in your view, should lead to the blocking if they do not check out?

Subject 7: Information available to the public

Alongside its verification activity, AFNIC would like to establish a procedure for supplying verified data to the Whois database and so improving its reliability.

Verified details would mean that nameholders, registrars and also the general public could be sure that the nameholder existed and could be contacted as indicated by the contact details given.

AFNIC could also carry out such verification tests at the nameholder's request.

The Whois database entry itself could vary so as to indicate whether the checks had been carried out by AFNIC, undertaken by the registrar, or done at the nameholder's request.

Question 10: Do you feel this information about reliability would be:
(Two choices possible)

- 1 – Relevante
- 2 – Reassuring
- 3 – Too complex
- 4 – Insufficient
- 5 – Worthless
- 6 – No opinion

Subject 8: Updating administrative data

The naming rules require a nameholder to keep his/her/its contact details up to date. To make it easier to do so, AFNIC proposes to make it one of the registrars' contractual duties to contact their customers once a year to remind them of this obligation.

Question 11: Do you think this would be an appropriate duty for registrars?

Question 12: How, in your view, should registrars contact their customers?

Subject 9: Administrative contact

At present a nameholder must designate an administrative contact when applying for registration, and must have such a contact person at all times while a domain name is live. The administrative contact must be resident or established in France, and must have a working postal address where court or other papers can be served. When the domain is made available across Europe, nameholders will no longer all be in France; but AFNIC's view is that this obligation must be retained, so that third parties can contact the nameholder without difficulty.

Question 13: Do you agree with this view?

Any other observations:

Your profile has raised our interest: (optional)

- You are:
 - Internet user
 - Domain name holder
 - .fr*
 - other:
 - Registrar
 - Intellectual Property Lawyer
 - Other:

- How old are you?
 - 18-24 years old
 - 25-34 years old
 - 35-44 years old
 - 45-64 years old
 - 65 years old and +

Thank you for completing this questionnaire!