



# **Naming Policy for the *.fr* TLD**

## **Rules for the allocation and management of domain names registered under the *.fr* TLD**

---

- Version in effect as of 1 July 2011 -

## Contents

Interactive table of contents: Click on a title for direct access to the required item.

<b>Foreword</b>	7
<b>Article 1. Purpose</b>	7
<b>Article 2. Enforceability</b>	7
<b>Article 3. General principles of naming</b>	8
<b>Article 4. Syntactic constraints</b>	9
<b>Article 5. Categories of domains</b>	9
<b>Article 6. Eligibility to register a domain name</b>	9
6.1 Corporate entities	9
6.2 Trademark holders	9
6.3 Individuals	10
<b>Article 7. Associated contacts</b>	10
<b>Article 8. Rights to a domain name</b>	10
<b>Article 9. Domain name invoicing</b>	11
<b>Article 10. Domain name registration</b>	11
10.1 Standard registration	11
10.2 Registration of domain names subject to prior review	12
10.3 Registration of domain names under <i>.tm.fr</i>	14
10.4 Registration of domain names under <i>.asso.fr</i>	15
10.5 Registration of domain names under <i>.gouv.fr</i>	15
<b>Article 11. Posting of terms that are unlawful or contravene public policy</b>	15
<b>Article 12. Changing Registrar</b>	16
<b>Article 13. Transferring a domain name</b>	16
13.1 Voluntary transfer	16
13.2 Compulsory transfer	16
<b>Article 14. Deleting a domain name</b>	17
<b>Article 15. Orphan domain names</b>	18
<b>Article 16. Occasional checks</b>	19
16.1 Guidelines	19

16.2	Verification results.....	19
<b>Article 17.</b>	<b>Dispute resolution procedures.....</b>	<b>20</b>
<b>Article 18.</b>	<b>Suspension of transactions on a domain name .....</b>	<b>20</b>
<b>Article 19.</b>	<b>Blocking a domain name .....</b>	<b>21</b>
<b>Article 20.</b>	<b>Confidentiality.....</b>	<b>21</b>
<b>Article 21.</b>	<b>Whois database .....</b>	<b>21</b>
<b>Article 22.</b>	<b>Personal data.....</b>	<b>22</b>
22.1	Guidelines.....	22
22.2	Restricted distribution .....	22
<b>Article 23.</b>	<b>Liability.....</b>	<b>23</b>
<b>Article 24.</b>	<b>Warranty.....</b>	<b>25</b>
<b>Article 25.</b>	<b>Agreement on evidence .....</b>	<b>25</b>
<b>Article 26.</b>	<b>Modification of the Naming Policy .....</b>	<b>25</b>

## Glossary

### Accreditation

Non-discriminatory and transparent procedure by which AFNIC certifies that the accreditation criteria defined by the French Electronic Communications and Telecommunications Act are met by a registrar.

### AFNIC

French acronym for "Association Française pour le Nommage Internet en Coopération" (the French Network Information Centre).

An association governed by the provisions of the Act of 1 July 1901, responsible for assigning and managing certain Internet top-level domains corresponding to France and French territories.

### Applicant

Individual or corporate entity applying for the registration or transmission of one or more domain name(s) through a registrar.

### Authorisation code

Code generated by AFNIC after checking operations (applicant ID and substantiation for the application) for domain name registration, subject to conditions.

### Blocking transaction

Operation involving the withdrawal of a domain name from the DNS (*Domain Name System*) and making it inoperative. However, the domain name still appears in the [Whois](#) database and still belongs to its registrant. A blocked domain name cannot therefore be registered by a third party.

### Customer

See: Applicant.

### Disclosure of personal data

The lifting of anonymity consists in disclosing the administrative information concerning an individual domain name registrant further to a substantiated request from a third party.

### Domain name

Internet identifier. A domain name consists of several items, each composed of characters (corresponding for example to the name of a company, a brand, an association, an individual, etc.). The items are separated from each other by a dot. The item furthest to the right is the Top-Level Domain (*.fr*, *.de*, *.ca*, *.jp*, *.net*, *.com*, etc.). The DNS (*Domain Name System*) ensures the correspondence between the domain name and the IP address.

## DNS server

or *Name Server* (NS).

Server used to host a domain name.

## Identification

See: Identification operation.

## Identification operation

Verification by AFNIC of the compliance of the information concerning the identity of the legal registrant entered by the registrar with that contained in the database.

## Integration Guide

Document designed for use by registrars compiling all the information required to implement the AFNIC application interface for domain name management.

## Naming Policy or Naming Charter

Policy for allocating domain names. This policy varies depending on the bodies authorised to manage Top Level Domains (*.fr*: AFNIC, *.uk*: Nominet, *.com*: Verisign, etc.).

## Naming zone

Unit consisting of a top-level domain and one or more second-level domain(s).

## Order

Order No. INDI0921133A dated 19 February 2010 published in the Official Journal of 2 March 2010, pursuant to Decree No. 2007-167 regarding the allocation and management of Internet domain names and amending the French Electronic Communications and Telecommunications Act.

## Orphan domain name

Validly registered domain name which is no longer managed by a registrar.

## Procedure Guide

Technical manual designed for use by registrars, detailing how to perform operations on a domain name. The Procedure Guide is available here:

[www.afnic.fr/doc/interface/procedures](http://www.afnic.fr/doc/interface/procedures)

## Prohibited terms

Terms that cannot be registered, generally because they are unlawful or contravene public policy.

## Redemption period

See: Redemption period.

## Redemption period or Pending Delete-Restorable period

Period of "grace" granted to a registrant after a registrar has been requested to delete a domain name, during which the domain name can be reactivated under certain conditions.

### **Registrant**

Individual or entity that has registered or maintained one or more domain name(s).

### **Registrar**

Service provider having signed a registration contract with AFNIC, responsible for processing the applications of its customers (applicants or registrants of domain names). The list of registrars is available here: [www.afnic.fr/obtenir/prestataires](http://www.afnic.fr/obtenir/prestataires) (provided that the registrar has agreed to be listed).

### **Registrar**

Legal entity responsible for assigning and managing the Internet domain names listed in Article L.45 of the French Electronic Communications and Telecommunications Act.

### **Registration contract**

Contract signed by and between AFNIC and the Registrar under Article R.20-44-50 of the French Electronic Communications and Telecommunications Act.

### **Reserved terms**

Terms whose registration is connected with the identity, status, or nature of the applicant?

### **Suspension of transactions**

Operation preventing any future transactions on the domain name. This does not affect the operation of the domain name (site access, email addresses, renewal, etc.)

### **The State – AFNIC Agreement**

Agreement between the French government and AFNIC on the allocation and management of *.fr* Top Level Domain names.

### **Transmission**

A technical and administrative operation which consists in transmitting a domain name from one registrant to another.

### **Whois**

Search service provided by registrars to obtain administrative and technical information on a domain name or IP address.

## Foreword

The Association Française pour le Nommage Internet en Coopération – the French Network Information Centre – (hereinafter referred to as AFNIC), an association governed by the provisions of the Law of 1 July 1901, has been designated to serve as the Registry for *.fr* Top-Level Domain names in the Internet addressing system.

The framework for AFNIC's functions is defined by:

- specific provisions of the French Electronic Communications and Telecommunications Act with respect to naming;
- The State–AFNIC Agreement.

## Article 1. Purpose

These rules constitute the non-discriminatory and transparent regulations ensuring respect for and compliance with the freedom of communication, freedom of enterprise and intellectual property rights specified under Article L.45-1 of the French Electronic Communications and Telecommunications Act for domain names registered under the *.fr* TLD.

They constitute an indivisible whole referred to as the "Naming Policy for the *.fr* TLD" with:

- the [procedures manual](#) and the integration guide;
- the [litigation management policy for French Internet domains](#) ;
- the [policy on publishing and access to information concerning \*.fr\* TLD registrations](#);

and all the documents and procedures adopted by AFNIC in general.

## Article 2. Enforceability

The *.fr* naming policy applies to any person or entity requesting the intervention of AFNIC on one or more domain names.

Any person requesting the services of AFNIC is assumed to be familiar with the terms of the *.fr* Naming Policy, either directly on AFNIC's website, or through a Registrar which makes registration policies and documentation available to its customers.

Transaction requests sent to AFNIC in any form whatsoever, including the payment of any fees arising from the performance of such transactions, shall be considered to be a simple reiteration of the applicant's acceptance of this Naming Policy.

The Naming Policy is published and available on AFNIC's website: [www.afnic.fr](http://www.afnic.fr).

The enforceable version of the AFNIC Naming Policy is that available on the AFNIC website on the date of receipt by its services of the application or transaction request.

Each new version of the *.fr* naming policy is immediately applicable as of the date of its online publication and is not retroactive.

### **Article 3. General principles of naming**

The choice of the domain name is free provided it complies with the cumulative requirements of the French Electronic Communications and Telecommunications Act and the *.fr* Naming Policy.

It is up to applicants and to the applicants alone to ensure that the term they wish wants to register and/or use as a domain name complies with the provisions of Book II - Title II, Chapter II of the French Electronic Communications and Telecommunications Act

It is hereby specified that under Article L.45-2 of the aforementioned Act, the aforementioned provisions are applicable immediately for all new domain names but also for domain names already registered on the day of their renewal or on the day on which a transaction is performed on a domain name which results in a change in its anniversary date (transmission, transfer, restoration)

A domain name is allocated to the first eligible applicant who send a request to AFNIC in due form.

A domain name which has been allocated and is currently valid cannot be subject to a new application for its registration.

Throughout the term of its assignment, AFNIC is not entitled to carry out the business of a registrar for *.fr* domain names, and for this reason no application to carry out a transaction on an *.fr* domain name can be addressed directly to the organisation.

Applications to carry out transactions are necessarily processed by a registrar, which acts as an intermediary between the applicant or registrant and AFNIC.

The individual or corporate entity that wishes to register a domain name or make any change to a domain name must choose a registrar from among the accredited registrars on a list maintained by AFNIC: [www.afnic.fr/obtenir/prestataires](http://www.afnic.fr/obtenir/prestataires)

For each application, the registrar provides AFNIC with the items of information required to process the request in accordance with this Policy and with the [procedures manual](#).

These provisions do not preclude the possibility for AFNIC to contact the registrant and/or the administrative contact of a domain name as expressly provided for in the French Electronic Communications and Telecommunications Act or if a name domain becomes an orphan

## Article 4. Syntactic constraints

Domain names may comprise terms consisting of the letters of the French alphabet from A to Z, the numbers 0 through 9, and the hyphen "-".

Domain names cannot be registered which:

- consist of a single character;
- consist of only two letters;
- begin or end with a hyphen "-";
- are longer than 255 characters (63 between each ".");
- and whose 3<sup>rd</sup> and 4<sup>th</sup> characters are hyphens "xx--".

## Article 5. Categories of domains

The naming zones entrusted to AFNIC include the following domains:

- *.fr*
- *.asso.fr*
- *.com.fr*
- *.gouv.fr*
- *.tm.fr*

## Article 6. Eligibility to register a domain name

Subject to the specific conditions defined in Articles 10.3 to 10.5 for domain name categories, the following individuals or corporate entities are eligible to register a domain name:

### 6.1 Corporate entities

Corporate entities with a registered office or branch in France, whose details can be verified by means of electronic databases.

The State, local authorities and their establishments.

### 6.2 Trademark holders

Adult individuals or corporate entities owning a trademark registered with France's National Institute of Industrial Property (INPI) or a registered EU or international trademark specifically referring to France as its territory, the details of which can be verified in any electronic trademark database.

## 6.3 Individuals

Individuals of full legal age:

- Residing in France;
- Or
- Of French citizenship residing outside of France.

### **Article 7. Associated contacts**

When applying to register a domain name, and throughout its economic lifetime, the registrant of a domain name must designate:

- an administrative contact;
- one or more technical contacts.

The associated contacts may be the actual registrant, or if preferred, a third party (individual or corporate entity), including the Registrar.

If the associated contacts are not the registrant, they have no rights to the domain name.

The associated contacts may be contacted and/or informed of any transactions affecting the domain name, in accordance with the provisions of the [procedures manual](#).

The administrative contact must be established in France and must have a valid address for receiving legal and extrajudicial documents.

The expression "established in France" means:

- In respect of corporate entities, those whose registered office is located in France or have an address in France, the details of which can be verified in electronic databases;
- For individuals, those who can provide evidence of having lived at their French address for more than three (3) months running prior to the transaction request.

### **Article 8. Rights to a domain name**

Domain names are allocated for a limited, renewable period;

A domain name is valid for a period of 12 (twelve) months beginning from the last transaction invoiced to the Registrar by AFNIC.

Domain names are automatically renewed, unless AFNIC receives a deletion request from the Registrar, and subject to compliance with the provisions of the French

Electronic Communications and Telecommunications Act and those of the [procedures manual](#).

The performance of their duties does not grant AFNIC or the registrar any intellectual property rights to the domain names they manage.

## Article 9. Domain name invoicing

The registration and/or use of a domain name is/are subject to payment of the following:

- creation fees;
- annual maintenance fees;
- the costs of any services provided by AFNIC.

The costs of services provided by AFNIC, such as those invoiced to Registrars, are fixed by AFNIC's Board of Directors for each calendar year.

These costs are publically known and can be consulted on the AFNIC website: [www.afnic.fr/afnic/contrat](http://www.afnic.fr/afnic/contrat)

Registrars are free to set their own prices.

Invoices are sent to and paid by the Registrar.

Transaction request costs are due once finalised by AFNIC.

However, registration fees will remain payable to AFNIC, irrespective of the results of the checks into the applicant's identity and/or eligibility.

Annual maintenance fees are to be paid to AFNIC one year after the last paid transaction performed on a domain name.

## Article 10. Domain name registration

### 10.1 Standard registration

Standard registration applies to the domain names registered under the *.fr* and *.com.fr* categories.

As part of the standard registration of a *.com.fr* domain name, registration is only permitted if the same term has not already been registered in identical form under the following categories: *.fr*, *.asso.fr*, and *.tm.fr*.

As part of the standard registration procedure, the domain name is registered once the Registrar's request has been approved and the corresponding details entered.

Once registration has been performed, AFNIC carries out the identification and eligibility checks for the applicants specified in Articles 6.1 and 6.2 herein.

These checks are performed in two cases:

- When the contact used as the "registrant" contact appears in a transaction request for the first time;
- When the last identification and eligibility check on the registrant was carried out over one year ago and the registrant has requested a new domain name transaction.

AFNIC checks that the information entered by the Registrar corresponds to the information in an electronic database.

If AFNIC is unable to check the applicant's details through the available databases, it will carry out the check by asking the Registrar to forward all documents enabling the applicant to be identified.

AFNIC cannot be held responsible for errors or omissions contained in the aforementioned databases that might affect the proper implementation of the registration process.

For the applicants referred to in Article 6.3 of this Policy, the operations are performed by Registrars in compliance with the provisions of the Procedures Manual. To do so, the Registrar shall ensure, by whatever means it deems necessary:

- The validity of the applicant's identity;
- That the applicant complies with the eligibility criteria, including the criterion of majority and that of territoriality or nationality.

Verification checks are carried out on all domain names registered by the same registrant.

Following the identification and eligibility procedure, if the registrant is held to be in breach of the Naming Policy or Procedures Manual, AFNIC will block the domain name(s) and, if necessary, remove the registrant's domain names in accordance with the provisions described in the [procedures manual](#).

Following the identification and eligibility procedure, if the registrant is held to be in compliance with the Naming Policy or Procedures Manual, the registrant (and consequently all of its current or future domain names) will not be subject to any new checks for twelve (12) months, unless as part of a legal requisition, further to a court order, or to a duly substantiated request by a third party.

The registrant, administrative contact(s), and Registrar(s) will be notified accordingly

In all cases where a domain name is removed following the identification and eligibility checks, AFNIC will nevertheless invoice for the registration procedure.

## 10.2 Registration of domain names subject to prior review

AFNIC develops and maintains a list of domain names whose registration is subject to prior review.

The list is available on the AFNIC website at the following address:  
[www.afnic.fr/obtenir/chartes/fondamentaux](http://www.afnic.fr/obtenir/chartes/fondamentaux)

This list changes over time and applicants should familiarize themselves with it, it being understood that the list published online is not exhaustive, given that the simple fact of publishing certain of these terms might offend certain members of the public.

AFNIC carries out the appropriate checks.

To do so, the Registrar sends the necessary supporting documents beforehand to ensure that the applicant is entitled to register the required domain name and is compliant with the provisions of the French Electronic Communications and Telecommunications Act.

If the checks are successful, AFNIC sends an authorisation code to the Registrar, enabling it to register the said domain name in accordance with the Procedures Manual.

The voluntary transfer of a domain name subject to prior review can only occur after the new registrant has obtained authorisation from AFNIC to do so under the same conditions.

Deleting a domain name subject to prior review overrides its reinstatement in the original list.

Similarly, domain names subject to naming conventions such as those beginning with *aggl-*, *cc-*, *cg-*, *cr-*, *mairie-*, *ville-* (the French prefixes for urban authority, chamber of commerce, general council, regional council, town hall, and city) are equally subject to prior review under the same conditions.

Domain name	Recommended use	Supporting documents
<i>aggl-name.fr</i>	Metropolitan area authority	Identifier in the SIRENE enterprise directory
<i>cc-name.fr</i>	Community of communes	Identifier in the SIRENE enterprise directory
<i>cg-xx.fr</i>	General councils	Identifier in the SIRENE enterprise directory

<i>cr-nom.fr</i>	Regional councils	Identifier in the SIRENE enterprise directory
<i>mairie-name.fr</i> and <i>ville-name.fr</i>	Municipalities	Identifier in the SIRENE enterprise directory

### 10.3 Registration of domain names under *.tm.fr*

The *.tm.fr* extension is reserved for trademark registrants that wish to use their trademark as registered or part of the "trademark field" as their domain name.

The following supporting documents are required to receive the necessary authorisation code:

- The trademark registration application approved by INPI (French National Institute of Industrial Property);
- The final OHIM or WIPO certificate, provided that France is included in the list of countries concerned by the filing of the trademark in question.

For *.fr* domain names created on the basis of a registration application approved by INPI, it should be noted that:

- If the trademark registration application sent to INPI is rejected during the eligibility check, and the trademark is not granted the "registered" status, the domain name will simply be deleted without any prior notice or compensation from AFNIC, which will notify the Registrar accordingly. The domain name will re-enter the public domain;
- If the trademark is not published in INPI's Official Industrial Property Gazette within the legal timeframe of six (6) weeks and is not granted the "published" status, the domain name will be blocked by AFNIC for thirty (30) days. If the situation is not remedied or additional information supplied, the domain name will be deleted without any prior notice or compensation; the Registrar will be notified accordingly.
- If the trademark is not registered by INPI within the legal timeframe of six (6) weeks and is not granted the "registered" status, the domain name will be blocked by AFNIC for thirty (30) days. If the situation is not remedied or additional information supplied, the domain name will be deleted without any prior notice or compensation; the Registrar will be notified accordingly.

## 10.4 Registration of domain names under *.asso.fr*

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

To receive the authorisation code, the Registrar must provide AFNIC with the following:

- The full name of the association; and,
- The number of the department in which the association has been declared or its identifier number in the SIRENE enterprise directory.

If AFNIC fails to identify the association, AFNIC reserves the right to request the following documents:

- Copy of the association's publication in the Official Gazette;
- Copy of its declaration form from the local Prefecture (or other authority depending on local regulations);
- Copy of its identifier number in the SIRENE enterprise directory.

The domain name must match all or part of the association's name, trade name (such as printed on its supporting documents) or acronym.

## 10.5 Registration of domain names under *.gouv.fr*

The *.gouv.fr* extension is reserved for the French government.

The following supporting documents are required to receive the necessary authorisation code:

- An identifier number in the SIRENE enterprise directory or any other official document that can be used to identify the entity; and,
- ratification from the Directorate General for State Modernisation (DGME, la Direction Générale de la Modernisation de l'État).

## **Article 11. Posting of terms that are unlawful or contravene public policy**

AFNIC makes available on its website an easily accessible mechanism allowing any person to report whether an *.fr* domain name is considered to be unlawful or contravene public policy.

Notifications accomplished in this manner are the sole responsibility of the individuals who perform them.

If necessary, AFNIC will inform the appropriate public authorities.

This system cannot be considered a dispute resolution procedure.

## Article 12. Changing Registrar

Registrants may change Registrar in accordance with the contractual obligations binding both parties.

Registrants are free to choose a new Registrar, which will then deal with the necessary formalities.

The new registrar must be accredited by AFNIC.

The new Registrar must ensure that the change in no way affects ownership of the domain name.

The technical procedure involved in changing Registrar and the obligations upon each party are described in the [procedures manual](#).

## Article 13. Transferring a domain name

### 13.1 Voluntary transfer

Domain names can be transferred, subject to compliance with the Naming Policy and the specific requirements of the identification deed.

AFNIC will not agree to any voluntary transfers unless both parties have expressed their agreement in accordance with the provisions of the [procedures manual](#).

In the event of liquidation or any other collective insolvency proceedings, the voluntary transfer form is signed by the designated administrator.

The technical procedure involved in the voluntary transfer of a domain name is described in the [procedures manual](#).

### 13.2 Compulsory transfer

AFNIC carries out compulsory transfers of domain names further to:

- a decision taken as part of a dispute resolution procedure in accordance with Article L.45-6 of the French Electronic Communications and Telecommunications Act;
- a corporate operation (merger, demerger, etc.);
- a legal decision where the following conditions are met:
  - After the earliest petitioner has notified AFNIC, by bailiff, of a provisional court decision pursuant to Article 514 of the Code of Civil Procedure and substantiation that the other party has been notified of the aforementioned decision;(Or)

- After the earliest petitioner has notified AFNIC, by bailiff, of a provisional court decision pursuant to Article 515 of the Code of Civil Procedure and substantiation that the other party has been notified of the aforementioned decision, and upon presentation of any warranty ordered by the judge pursuant to Article 517 of the Code of Civil Procedure;  
(Or)
- After the earliest petitioner has notified AFNIC, by bailiff, of a final court decision that has the force of res judicata, pursuant to Article 500 of the Code of Civil Procedure, and with due substantiation. For example, the substantiation may comprise the forwarding of a certificate of non-recourse or of the appeal decision.

Should a decision applied by AFNIC be reformed (further to withdrawal, appeal, reversal of judgment, etc.), AFNIC will apply the new decision under the same conditions of service as set out above.

AFNIC can respond to requests that fail to comply with these conditions and shall not be bound by letters, copies of summons or subpoena sent by applicants.

Given the above, there is no need to bring proceedings against AFNIC for a ruling to be binding. AFNIC reserves the right to bring a claim for abuse of process as required.

The compulsory transfer procedure implies that the new registrant, in whose favour the decision was awarded, will carry out all the formalities in respect of AFNIC and comply with the identification and eligibility checks.

Insofar as the new registrant is responsible for all technical and administrative fees incurred by a compulsory transfer, the new registrant will be liable for recovering such costs from the former registrant if necessary.

The technical procedure involved in the compulsory transfer of a domain name is described in the [procedures guide](#).

## Article 14. Deleting a domain name

A domain name may be deleted:

- at the request of the Registrar without AFNIC taking any action;
- following a provisional or final court decision that has the force of res judicata, as described in the article relating to compulsory transfers of domain names. The earliest petitioner may notify AFNIC of this decision by bailiff;
- following a dispute resolution procedure in accordance with Article L.45-6 of the French Electronic Communications and Telecommunications Act;
- following an audit of the identification data of the registrant during which it appears either that the data is inaccurate or that the registrant is ineligible.

No application for deletion will be entertained in any circumstances other than those described above.

The deletion of a domain name can only occur after the registrant has been asked to rectify the situation as provided for in Articles L.45 and L.45-2-5 of the French Electronic Communications and Telecommunications Act.

Deletion is irreversible, except in cases where the domain name has been deleted at the request of the registrar. In this case, it becomes irreversible after the redemption period has elapsed.

During the redemption period, the domain name can be reactivated with the same configuration.

Once deleted, the domain name will re-enter the public domain and can be registered by a new applicant.

The technical procedure involved in deleting and reactivating domain names is described in the Procedures Manual.

## **Article 15. Orphan domain names**

If a Registrar is no longer under contract with AFNIC for any reason whatsoever, including:

- Failure to renew its registration agreement with AFNIC;
- collective insolvency proceedings;
- trading in the domain concerned has ceased;
- termination of the registration agreement with AFNIC, irrespective of the reason, including loss of accreditation;

Domain names administered by the said Registrar will be considered to be "orphan domain names", and registrants must choose a new Registrar.

The Registrar is responsible for notifying its customers and registrants of same beforehand.

If the Registrar fails to comply, AFNIC will notify the registrant and, if necessary, the administrative contact of the need to change Registrar according to the provisions of the Procedures Manual.

This measure shall not be construed as an obligation upon AFNIC to provide a surveillance and vigilance service, but merely as a service provided under exceptional circumstances.

Blocked domain names will be identified as such in the [Whois](#) database.

## Article 16. Occasional checks

### 16.1 Guidelines

In addition to the checks performed when registering a domain name, AFNIC may carry out checks for compliance with the criteria concerning eligibility and the reliability of identification, either of its own accord or following a duly substantiated third-party request.

In the event of a check, AFNIC may be led to ask the Registrar for additional information or documents, including:

- The AFNIC transaction request, or, where applicable:
- confirmation of compliance with the criteria established by the Naming Policy with regard to individuals;
- The production of documentary evidence of compliance with the eligibility criteria on the part of the registrant, and the reliability of the data provided by the latter if AFNIC is in possession of documentary evidence to the contrary (mail returned marked “Not Known at This Address”, bailiff’s report, unidentifiable address, etc.).

The verification procedure is designed to guarantee the reliability of the [Whois](#) database.

### 16.2 Verification results

If, after the verification procedure, the registrant is found to comply with the provisions of the Naming Policy and the [procedures manual](#), the registrant will not be subject to any new checks for twelve (12) months, unless as part of a legal requisition, further to a court order, or to a duly substantiated request by a third party.

If, after the verification procedure, the registrant is found not to comply with the provisions of the Naming Policy or the [procedures manual](#), AFNIC may block the domain names and, if necessary, remove the registrant's domain names in accordance with the provisions described in the Procedures Manual.

In such cases, the verification procedure is extended to cover all the domain names registered by the same registrant. The registrant, administrative contact(s), and Registrar(s) will be notified accordingly

If the verification is performed at the request of a third party, the latter shall be notified of its results to the exclusion of any other type of information.

After such checks, and in accordance with the terms and conditions of the authorisation no. 2007-246 issued by France's data protection authority (CNIL), AFNIC may prohibit a registrant from registering domain names in the *.fr* zone.

The registrant will then be placed on an "exclusion list", to which only the people concerned will have access in accordance with the authorisation issued.

## **Article 17. Dispute resolution procedures**

In accordance with Article L.45-6 of the French Electronic Communications and Telecommunications Act, the registrant of a domain name undertakes to comply with procedures for resolving disputes concerning domain names in accordance with the regulations specific to each of these procedures available here: <http://www.afnic.fr/doc/ref/juridique>.

Pursuant to Article 4 of the Appendix to AFNIC's Designation Order, AFNIC is not authorised, unless as a result of legal proceedings, to delete or transfer domain names outside of the procedures as specified below.

These procedures are exclusively designed to resolve disputes relating to the registration of domain names between registrants and third parties, and are in no way designed to resolve disputes relating to the liabilities or responsibilities of AFNIC or Registrars.

AFNIC undertakes to implement decisions taken pursuant to a dispute resolution procedure in a timely manner.

## **Article 18. Suspension of transactions on a domain name**

Transactions on a domain name may be suspended in the following cases:

- Following a provisional or final court decision that has the force of res judicata to suspend operations, as described in the article relating to compulsory transfer of a domain name, or in the case of a decision in ex parte proceedings;
- when a dispute resolution procedure has been initiated, in accordance with the rules of the procedure in question.

No application for the suspension of transactions on a domain name will be entertained in any circumstances other than those described above.

The suspension of transactions may lead to the cancellation of all transactions currently being processed by AFNIC and the corresponding tickets, preventing any future transactions on the domain.

Following either of these procedures, the suspension on domain name transactions is lifted.

Domain names for which transactions are currently suspended are identified as such in the [Whois](#) database.

## Article 19. Blocking a domain name

A domain name may be blocked under the following circumstances:

- Following a provisional or final court decision that has the force of res judicata to block the domain name, as described in the article relating to the compulsory transfer of a domain name;
- when a check of the identification data provided by the registrant shows that it is inaccurate or that the registrant is not eligible;
- when the domain name is an orphan.

No application to block a domain name will be entertained in any circumstances other than those described above.

Blocked domain names are identified as such in the [Whois](#) database.

## Article 20. Confidentiality

The information and documents held or sent to AFNIC, other than those available via the [Whois](#) database, are considered to be confidential and shall not be disclosed to third parties.

This provision does not preclude communications ordered by a court or pursuant to the regulations for dispute resolution procedures.

## Article 21. Whois database

AFNIC collects from Registrars all types of identification data required to identify individuals or corporate entities that hold domain names.

Under Article L.45-5 of the French Electronic Communications and Telecommunications Act, the State owns all the rights to the WHOIS database comprising data collected by AFNIC and the registrars required for the identification of individuals or corporate entities that hold domain names.

In order to carry out its task and throughout its term, AFNIC is entitled to use the Whois database.

AFNIC determines the technical conditions for the operation of this benchmark database and for accessing the associated services; the conditions for using the database are defined in the terms of the reference document, entitled "[Policy on publishing and access to information concerning .fr TLD registrations](#)".

## Article 22. Personal data

### 22.1 Guidelines

All naming-related processing under AFNIC's responsibility is carried out in accordance with Law No. 78-17 of 6 January 1978 on Data Processing, Files and Individual Liberties, known as the "Data Protection Act".

The Registrar is responsible for abiding by the provisions of the French Data Protection Act, including in its relations with applicant organisations and domain name registrants.

Duly identified domain name registrants have the right to access their personal information stored by AFNIC or the Registrar as applicable.

They also have the right to amend their information via their Registrar, which can request an administrative amendment at any time.

### 22.2 Restricted distribution

The very relevance of the [Whois](#) database is such that all the information relating to domain name registrants, administrative and technical contacts, whether they are individuals or corporate entities, must be distributed online and be available to everyone.

In compliance with the request of the Commission Nationale de l'Informatique et des Libertés (CNIL), when a domain name is registered by an individual, the registrant may opt by default for the "restricted distribution" option.

When this option is chosen, no personal information (name, address, telephone, fax, and e-mail address) is distributed online within the [Whois](#) database, except for technical information only (technical contact - Registrar details and DNS servers).

In cases where a person is both the registrant and the administrative contact, the "restricted distribution" option applies by default.

However, the administrative contact may be contacted by e-mail, but his or her details are not disclosed.

The "restricted distribution" option is limited to *.fr* and *.nom.fr* domain names (currently closed to registration) registered by an individual registrant.

This option cannot be enabled for registrations in other domain name categories, even if the registrant is an individual.

Personal information required for domain name registrations may be disclosed, however, by AFNIC:

- Further to a decision in ex parte proceedings or legal requisition, it being understood that there is no need to bring proceedings against AFNIC in order to obtain such information;
- on request from an authority with a right of communication (the General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF), the customs authorities, the Treasury, etc.);
- as part of a dispute settlement procedure;
- as part of a request to lift a person's anonymity using a form called a "[Personal Data Disclosure Request](#)" which is available on the AFNIC website. The lifting of a person's anonymity is not automatic; in particular AFNIC reserves the right not to grant the request, depending on the status of the applicant or the ultimate purpose.

## Article 23. Liability

### 23.1 Responsibility of the applicant / Registrant of a domain name

Pursuant to Article L 45-1 of the French Electronic Communications and Telecommunications Act, the registration of domain names is done on the basis of statements made by the applicant and under its responsibility

The same applies to the use, operation, and renewal of the domain name.

As a result, the registrant is responsible for the relations of any kind with any third party claiming an interest in the domain name and assumes all the direct or indirect prejudicial consequences that may result from the registration or operation of the said domain name.

The applicant is responsible for performing any research required to ensure that the name it wishes to register and/or use as a domain name is compliant with the aforementioned provisions.

Applicants, particularly individuals, are responsible for taking all the measures they consider necessary in order to comply with the terms and conditions of the Naming Policy and for duly taking account of the information received from AFNIC or the Registrar in any form whatsoever (manual, online information, contractual information, FAQ, newsletter, etc.).

The registrant is responsible for its relationships with the associated contacts it has chosen for the domain name.

### 23.2 Liability of the registrar

The Registrar operates under the control of AFNIC, by which it has been accredited.

This accreditation has no effect on the business relationship between the registrar and the customer, which remains the sole responsibility of the registrar.

Registrars are obliged to notify applicants of the need to comply with the terms and conditions of the Naming Policy.

The Registrar is responsible for the correct technical processing of the transaction request to be sent to AFNIC and for entering the data corresponding to the registrant's choices, especially in terms of personal information, and forwarding that data to AFNIC.

The registrar is responsible for any failure to pay AFNIC that might have an effect on the administration of a domain name. As a result, disputes and/or litigation on this issue are the sole responsibility of the registrar in its relationship with its customer.

With particular regard to the registration of individuals, the registrar must take part in the procedures involved in verifying the eligibility of the registrant and checking the accuracy of the data provided.

On request, the Registrar will provide AFNIC with all the information relating to the transaction request or registrant.

### 23. 3 Responsibility of AFNIC

AFNIC is required to allocate domain names in the public interest in accordance with non-discriminatory and transparent rules, ensuring respect for the freedom of communication, the freedom of enterprise and intellectual property rights.

AFNIC drafts and makes public the non-discriminatory rules ensuring that applicants comply with the provisions of the French Electronic Communications and Telecommunications Act.

AFNIC accepts no liability arising from the registration or use of a domain name, or for any direct or indirect prejudicial consequences arising from same.

The accreditation issued by AFNIC is solely intended to certify that the criteria defined by the French Electronic Communications and Telecommunications Act have been met by the registrar.

For this reason, AFNIC shall not be held liable for any damages resulting from the aforementioned accreditation.

In respect of the technical database and the [Whois](#) database, AFNIC shall not be held liable for any errors, omissions, downtime, modifications or deletions arising from a case of force majeure, events beyond its reasonable control or fraudulent use, or if it has been provided with erroneous information.

Nor shall AFNIC be held liable for any technical problems relating the actual operation of the Internet or suspended services arising from cases of force majeure or maintenance operations whether it concerns access to the [Whois](#) database.

AFNIC cannot be held liable for the abusive use by third parties of the identification data that it holds, with particular reference to the data held in the “Whois” database.

The provisions of this Policy which allow AFNIC to monitor or make checks shall not be construed as an obligation upon AFNIC to provide a surveillance and vigilance service, but simply as permitting it to undertake such activities.

AFNIC shall not be held liable on any grounds whatsoever for the operations it performs pursuant to a court decision, and the applicant shall hold AFNIC harmless against any claims.

With the exception of the dispute resolution procedure referred to in Article 45-6 of the French Electronic Communications and Telecommunications Act, AFNIC does not interfere in any way in any other procedures implemented under the *.fr* TLD and cannot be held liable either for the activities of bodies in charge of these procedures or for the decisions handed down by them.

## **Article 24. Warranty**

The registrant shall hold AFNIC harmless against any third-party claims, complaints, actions, and objections arising from or in connection with any domain name rights, registrations, uses, or transmissions of domain names.

Consequently, the registrant will be liable for the costs of any damages awarded against AFNIC further to litigation, preliminary proceedings, or any other claims, including the costs incurred in defending its interests and counsel fees.

The registrant will also be liable for the costs incurred by AFNIC in enforcing the court or transactional decision in question.

## **Article 25. Agreement on evidence**

It is hereby agreed that all the emails sent by AFNIC to Registrars and/or the registrant shall be admissible as evidence.

The same applies to all the technical elements exchanged between the Registrar and AFNIC when processing applications and transactions.

In the event of a dispute concerning the date of receipt and/or date on which a request is processed, the information contained on AFNIC's servers alone shall be legally binding.

## **Article 26. Modification of the Naming Policy**

AFNIC's Naming Policy is constantly changing to reflect the discussions, work and agreements by and between its members and partners, as well as legal and regulatory developments.

New provisions will first be notified on the AFNIC website and then sent directly to the Registrars, so that they can inform their registrants of the said amendments.