



## ***.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 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 objective of the naming charter is to set out the administrative and technical rules governing the naming areas managed by the AFNIC.

## **Article 2 - 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 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 approved by a decision of the Board of Directors, the application of new rules is immediate and has no retrospective effect.

## **Article 3 - 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 4 - 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 5 - 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 6 - 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.

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 7 - Updating information**

The holder is obliged, throughout the entire duration of the domain name, to immediately update, via their registrar, the information advised when registering or transmitting 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 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.

## **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 moral or physical persons over 18 years old living in France or with a French nationality 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 a 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

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) the terms must not appear in the list of “prohibited terms”
- 2) the terms must comply with syntax constraints
- 3) the terms must not infringe third-party rights, in particular:
  - intellectual property (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:
  - 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.
- 5) the terms must not correspond with the name of a regional authority, as published by the INSEE, with the exception of holders of brands bearing this same name registered before 1985.

## Article 13 - Prohibited and restricted terms

The basic terms include:

- “prohibited” terms which cannot be registered, unless an exception is approved by the AFNIC Board of Directors
- and “restricted” terms which can only be registered subject to special conditions relating to the identity and entitlement of the applicant.

“Prohibited” terms include, for example, abusive, racist and offensive words linked to crimes or misdemeanours.

Some examples of “restricted” terms are technical Internet terms, the names of regulated occupations, terms relating to the operation of the State, the names of signatory countries to the Paris Convention and names or terms of international organisations as well as names of French towns in their canonical form.

Basic terms are recorded in a list maintained by the AFNIC which includes both forbidden terms, excluded from naming by their nature, and restricted terms.

The list of names of towns which make up the reference base for restricted names can be consulted directly on the INSEE website, their registration is subject to the specific provisions of the procedures manual.

With the exception of town names, terms are either added spontaneously by the AFNIC or on receipt of an application to register a domain name.

The government, via the Ministry of Electronic Communications, can ask the AFNIC to add new entries to this list of basic terms at any time.

This list is continuously evolving and applicants are invited to check it online. Due to the terms it comprises, this list is not published in full and is only sent to the requesting registrar when an application is rejected.

The list of basic terms does not represent any obligation of result for the AFNIC.

Any objection to the rejection of an application for a domain name containing a term that appears in the list of basic terms must be sent to the AFNIC Board of Directors, who have the exclusive authority to grant justified exceptions. Requests must be accompanied by an explanation.

## Article 14 - 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 15 - 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

### 15. 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.

### 15.2 – 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.

### 15.3 – 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 originates from 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 hall-xxx.fr, town-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 originating from 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 identity of the applicant
- 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 16 – Pre-registration**

Domain names cannot be reserved, regardless of their nature or the justification.

However, a pre-registration procedure has been set up with the authorised bodies shown on a list which can be viewed here :

<http://www.afnic.fr/obtenir/preenregistrement/cfe-liste>.

The pre-registration procedure, which has been drawn up and implemented by these bodies, allows you to pre-register a domain name, in other words to block this name for a period of 15 (fifteen) days, during which time the holder must select a registrar to finalise their registration application.

If the holder fails to register the domain name within this period it reverts back to the public domain.

## **Article 17 - Occasional verifications**

### **17.1 – Guidelines**

In addition to the checks carried out to register a domain name, the AFNIC may, at its 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.

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

## **17.2 – 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 or court ruling.
- 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.

## **Article 18 - 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.

## Article 19 - 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 20 - Invoicing domain names

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

- the creation cost
- the annual maintenance cost for each calendar year
- 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/prestataire/tarifs>.

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 21 - 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*.

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

## **Article 22 - 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.

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

On completion of these legal proceedings and/or the alternative dispute resolution procedure, the freeze on operations is ended.

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

## **Article 23 - 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 the event of registration criterias not respected by the administrative contact
- if the email address of the administrative contact and/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.

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 24 - Withdrawing a domain name**

For technical reasons, a withdrawal cannot be reversed.

Once a domain name has been withdrawn, it reverts to the public domain and can be registered by a new applicant.

A domain name can be withdrawn:

- at the request of the registrar without the AFNIC having to request justification
- further to an unsuccessful verification during AFNIC activities
- 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 alternative dispute resolution procedure.

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

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

## **Article 25 - Alternative procedures for resolving disputes**

The holder of a domain name undertakes to comply with alternative dispute resolution procedures for domain names according to the conditions set out in the corresponding regulations which can be viewed here:

<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 26 - 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 27 - 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 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, the AFNIC will carry out the new administrative act ordered under the same conditions.

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 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 28 - 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 third parties unless required by law or in connection with an alternative procedure for resolving disputes.

Where an alternative procedure to resolve disputes is instigated, the AFNIC will provide the body to which the dispute is referred, or the individual it designates, with all information in its possession, and in particular elements relating to the disputed domain name and, as far as possible, the list of domain names registered by the holder affected by the procedure.

## **Article 29 - Reference and qualification database**

The AFNIC manages and maintains the domain name reference database for the areas under its remit.

The AFNIC defines the technical operating conditions for this reference database and associated services, in particular, the DNS and Whois services.

The AFNIC is gradually implementing a so-called “qualification” programme which will apply to all holders aimed in articles 10.1 and 10.2.

The aim of this programme is to allow web users quick and easy access to information relating to the holder of a domain name and the public database used to identify this holder.

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 qualification program.

## **Article 30 - Personal data**

### **30.1 – Guidelines**

All processing relating to naming and for which AFNIC is responsible is carried out according to the French Computing and Freedom Act.

The registrar is responsible for complying with the provisions of the French Computing and Freedom 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. This operation is not invoiced by the AFNIC.

### **30.2 – 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 (article 113), or under the *.fr* first level domain, when the registration is carried out by an individual (article 10.3), 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 an alternative dispute resolution procedure.

## **Article 31 – 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).

The AFNIC does not conduct any search of prior rights for domain names, but remains responsible for the proper application of the naming charter. It therefore reserves the right to request complementary information or additional guarantees from the registrar to support a chosen domain name and the legitimacy of its customer's request.

The registrar has a period of 15 (fifteen) days to comply with this request, and if applicable forward it to the holder. The information provided by the registrar or the holder is designed to be sent to third parties in the event of any dispute.

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 32 - 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 33 – 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 34 - 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

“**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.

“**administrative act**” – A generic term encompassing all administrative or technical acts carried out by the AFNIC in connection with a domain name. “**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.

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

“**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).

“**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.

“**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.

“**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)

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

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

“**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.

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

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

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

“**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).

“**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.

“**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.

**“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.

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

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

**“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.

**“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.

**“naming area”** – Overall area consisting of a first level domain and one or more second level domains.