




Naming Policy for *.fr*

Registration rules for *.fr* domain names

- Version in force starting 16 March 2010 -

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Glossary

AFNIC

Association Française pour le Nommage Internet en Coopération.

The French Network Information Centre is a non-profit making organization governed by the July 1st, 1901 Law.

Responsible for allocating and managing domain names connected with the French national and dependent territories, for which it has been delegated authority.

Applicant

A private individual or corporate entity who requests a domain name registration or transaction for one or more domain name(s) via a Registrar.

Authorisation code

Code generated by AFNIC for domain name registrations subject to conditions.

Blocking transaction

Operation that involves withdrawing 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 holder. A blocked domain name cannot therefore be registered by a third party.

Data disclosure

When a domain name is registered by an individual, personal information are required. They may be disclosed by AFNIC at a request of a third's party. AFNIC reserves the right to refuse the request according to the status of the applicant and/or the purpose for seeking disclosure.

DNS server

Name Server (NS).

A server used to host a domain name.

Domain name

Internet Identifier. A domain name is composed of labels and each label is made of characters (corresponding for example to the name of a society, of a person...). The dot is used to separate each label. The rightmost label is a Top Level Domain (*.fr*, *.de*, *.ca*, *.jp*, *.net*, *.com*...). The DNS (Domain Name System) translates domain names into IP addresses.

Frozen transaction

Operation preventing any future transactions on the domain name. However, the domain name is still operative.

Holder

Individual or corporate entity which registers or maintains one or more domain name(s).

Identity check

AFNIC checks that the information for a corporate entities holder entered by the Registrar complies with the information in databases.

Integration Guide

A document for Registrars that includes all the information required to implement AFNIC's domain management application interface.

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, ...).

Naming zone

Consisting of a first level domain and one or more second level domains.

Order

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

Orphan domain name

A validly registered domain name which is no longer managed by a Registrar.

Procedures Manual

Technical manual relating to the implementation of acts on a domain name.

www.afnic.fr/doc/interface/procedures

Prohibited terms

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

Redemption period

Period that occurs when a domain name is deleted at a Registrar's request. During this redemption period, the original domain registrant is allowed to retrieve the domain name from deletion by contacting their Registrar.

Registrar

Service provider which has concluded an agreement with AFNIC and which is responsible for processing its customers' requests (domain name applicants or holders). The list of Registrars can be viewed here www.afnic.fr/obtenir/prestataires (provided that the Registrar has agreed to appear on the list).

Registration Contract

Contract signed between AFNIC and a Registrar pursuant to 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.

State-AFNIC Agreement

Agreement between the French government and AFNIC regarding the assignment and management of *.fr* Top-level Domain names.

Transmission

A technical and administrative operation to transmit a domain name from one holder to another.

Whois

Service used to search databases of Registries to obtain information on a domain name or an IP address.

Foreword

By Order No. INDI0921133A of the French Minister of Economy, Industry and Employment, dated February 19th, 2010, l'Association Française pour le Nomage Internet en Coopération -The French Network Information Centre- (hereinafter referred to as AFNIC), an association governed by the provisions of the Law of July 1st, 1901, has been designated to serve as the Registry for *.fr* Top-Level Domain names in the Internet addressing system.

AFNIC's functions are pursuant to:

- Articles L.45 and R.20-44-34 *et seq.* of the French Electronic Communications and Telecommunications Act;
- The State-AFNIC Agreement.

As part of its functions and in compliance with the decisions taken by its governing bodies, AFNIC has worked closely with the consultative committees that make it up to develop:

- The Naming Policy: a set of non-discriminatory rules designed to ensure that applicants are in compliance with the provisions of Articles R.20-44-43 to R.20-44-46 of the French Electronic Communications and Telecommunications Act;
- A registration Contract that defines the contractual relationship between AFNIC as the Registry and the Registrars.

Article 1. Purpose

The domain names administered by AFNIC are allocated in the general interest, according to publicised anti-discrimination rules that strive to ensure that applicants comply with intellectual property rights.

This Naming Policy constitutes all the rules governing any individual or corporate entity calling on AFNIC's services in respect of one or more domain names, irrespective of whether it is a domain name holder, Registrar or third party.

Article 2. Components of the Naming Policy

The AFNIC Naming Policy comprises:

- This document;
- The [Procedures Manual](#) and the Integration Guide;
- The [Dispute Resolution Policy for French domains](#);

- The [Policy for Publishing and Accessing information on registered .fr domain names](#);

and generally all documents and procedures adopted by AFNIC.

These rules reflect compliance with regulations currently in force (in particular, Article L.45 and R.20-44-34 *et seq.* of the French Electronic Communications and Telecommunications Act and the Order) and AFNIC's rights and responsibilities as set out in its Designation Order and in the Agreement it has with the State.

Article 3. Binding version

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

The Naming Policy is published on AFNIC's website; it can be accessed at www.afnic.fr.

The binding version of the AFNIC Naming Policy is the then-current version made available on the AFNIC website when the application or transaction request is received by its services.

Unless otherwise stipulated by law, by decision from the Minister in charge of Electronic Communications or by decision from the Board of directors, new rules shall be applicable forthwith and not retroactively.

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.

Article 4. Domain categories

The naming zones entrusted to AFNIC include the following domains:

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

Any decisions to create or delete domain categories are taken by AFNIC's governing bodies in coordination with the consultative Committees.

If domain names are still active within a given domain category, that category may only be deleted after giving the affected domain name holders six (6) months' notice to change their domain names.

Article 5. Eligibility to register a domain name

A domain name holder is an individual or a corporate entity meeting the eligibility requirements and criteria specific to the domain categories.

The following individuals and corporate entities are eligible to register a domain name:

5.1 Corporate entities

- Corporate entities with a registered office or branch in France, whose details can be verified in such electronic databases as Infogreffe (and its derivatives), RNCS, the SIRENE directory and BODACC.
- The State, local authorities and their establishments.

5.2 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 stating France, whose details can be verified in any electronic trademark database.

5.3 Individuals

Natural persons of full legal age:

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

Article 6. Administrative contact

The domain name holder must designate an "administrative contact" on the registration application and maintain that contact throughout the duration of the domain name.

The administrative contact may be the actual registrant or a designated third party (individual or corporate entity), including the Registrar.

If the administrative contact is not the holder, the said contact will not have any rights over the domain name.

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

In respect of corporate entities, "established in France" means that the registered office is located in France or that the company has an address in France, which can be verified in the electronic databases stipulated in Article 5.1; individuals must provide evidence of having lived at their French address for more than three (3) months running prior to their transaction request.

The administrative contact may be contacted and/or informed of any transactions affecting the domain name, in accordance with the provisions of the [Procedures Manual](#).

AFNIC shall in no way be held liable for any relations whatsoever between the domain name holder and the administrative contact.

Article 7. Technical contact

The domain name holder must designate a "technical contact" on the registration application and maintain that contact throughout the duration of the domain name.

The technical contact may be the Registrar chosen by the holder when registering the domain name.

The technical contact may be contacted and/or informed of any transactions affecting the domain name, in accordance with the provisions of the [Procedures Manual](#).

Article 8. Contact availability

The domain name holder and the administrative contact must be reachable.

As such, both the holder and the administrative contact must provide details of a valid telephone number and e-mail address, including accurate information to establish their identities. While the domain name is active, they must ensure that such information is kept up-to-date at all times through their Registrar.

If the registrant fails to comply with this obligation, the domain name may be blocked and, if necessary, deleted.

Article 9. Intermediary role of Registrars

For the duration of its mission, AFNIC is prohibited from operating as a Registrar for domain names; this is why domain name transaction requests cannot be sent directly to AFNIC.

Domain name transaction requests are handled by a Registrar, which acts as an interface between the applicant / registrant and AFNIC.

Any individual or corporate entity wishing to register a domain name or modify their domain name in any way must choose a Registrar from AFNIC's updated list of Registrars: www.afnic.fr/obtenir/prestataires.

For each request, the Registrar sends AFNIC the necessary information to process the request in accordance with these terms and conditions and the [Procedures Manual](#).

AFNIC may not be considered to be an intermediary or playing such a role, and shall not be held liable for any relations whatsoever between the Registrar and its customers (applicants and registrants).

Pursuant to the provisions of Article R.20-44-50 of the French Electronic Communications and Telecommunications Act, AFNIC establishes transparent and non-discriminatory procedures for Registrars to access its services. AFNIC acts upon requests sent to it by Registrars.

AFNIC neither inspects nor certifies Registrars; for this reason, AFNIC cannot be responsible for either the list of Registrars or their technical expertise.

Notwithstanding the foregoing, AFNIC reserves the right to contact the domain name holder and/or administrative contact, particularly as part of alternative dispute resolution proceedings in case of material violations of the provisions stipulated in Articles R.20-44-34 *et seq.* of the French Electronic Communications and Telecommunications Act; or in case of orphan domain name.

Article 10. Rights in a domain name

Holders own the domain name throughout its validity period in accordance with the terms and conditions of the Naming Policy.

The holder shall be solely liable for the registration, use and operation of the domain name.

This mission does not give AFNIC any intellectual property rights over the domain names.

Article 11. Domain name validity

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 instructions to the contrary from the Registrar and subject to compliance with the provisions stipulated in Articles L.45 and R 20-44-34 *et seq.* of the French Communications Act and the [Procedures Manual](#).

Article 12. Domain name invoicing

Registration and/or use of a domain name is subject to payment of the:

- Creation fees;
- Annual maintenance fees;
- Costs of any transactions provided by AFNIC.

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

These costs are public and can be consulted on the AFNIC website: 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 eligibility.

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

AFNIC shall not be held liable for any non-payment of its services by the Registrar with an impact on the administration of the domain name, where any complaints and/or claims arising therefrom shall be exclusively between the Registrar and its customer.

Article 13. Syntax constraints

Domain names may comprise alphanumeric characters featuring letters from the French alphabet (A to Z), the numbers 0 to 9 and hyphens "-".

Exclusions include domain names:

- With just one character;
- With just two letters;
- Beginning or ending with a hyphen "-";
- With a length greater than 255 characters (63 between each ".");
- Whose 3rd and 4th characters are hyphens "xx--".

Article 14. Choosing a domain name

14.1 General principles

The applicant is solely responsible for the choice of the domain he wishes to register.

It is the responsibility of the applicant, and him alone, to ensure that the term he wants to register and/or use as a domain name complies with the following cumulative requirements:

- 1) It must not be a fundamental term as defined in this Policy;
- 2) It must not violate the rules of syntax;

- 3) It must comply with the provisions of Articles R.20-44-43 to R.20-44-46 French Electronic Communications and Telecommunications Act, as follows:
- Article R.20-44-43
 - I. The name of the French Republic, its national institutions and national public services cannot be registered, alone or in combination with words referring to such institutions or services, as domain names in the national Top-Level Domains, except by said national institutions or services.
 - II. Unless authorized by the appropriate governing body, the name of a local community or a public institution for intermunicipal cooperation with its own taxation authority cannot be registered, alone or in combination with words or abbreviations referring to local institutions, as a domain name in the national Top-Level Domains, except by said community or public institution.
 - III. The name of an elected official, combined with words referring to his elected office, cannot be registered as a domain name in the national Top-Level Domains, except by said elected official.
 - IV. The provisions of this Article do not prevent the renewal of domain names registered prior to the date that this Article entered into effect if said name was registered by:
 - A company with a company name identical to the domain name registered, and that name was registered as a trademark before 1 January 2004;
 - An association for the defence and promotion of a designation of origin whose name is registered.
 - Article R.20-44-44
 - I. A chosen domain name in the national Top-Level Domains must not adversely affect the name, image or reputation of the French Republic, its national institutions, national public services, a local community or a consortium of local communities, or have the purpose or effect of inducing confusion in the public mind.
 - Article R.20-44-45
 - I. A name that is identical to or that may be confused with a name which enjoys intellectual property rights under national or community-based regulations or this Code cannot be chosen as a domain name, unless the applicant has a right to or legitimate interest in asserting this name and is acting in good faith.

- Article R.20-44-46
 - I. A surname cannot be chosen as a domain name, unless the applicant has a right to or legitimate interest in asserting this name and is acting in good faith.

It is the responsibility of the applicant to perform any research required to ensure that the name he wishes to register and/or use as a domain name is in compliance with the provisions cited above.

AFNIC's role is limited to drafting and making public non-discriminatory rules designed to ensure that applicants are in compliance with the provisions of Articles R.20-44-43 to R.20-44-46 of the French Electronic Communications and Telecommunications Act.

As a result, AFNIC does not verify compliance of the registrations submitted by Registrars on behalf of domain name holders, and cannot be held liable should a holder not be in compliance with the above provisions.

14.2 Domain categories registered subject to conditions

14.2.1 Rules governing *.tm.fr*

The *.tm.fr* domain is reserved for trademark holders looking to use their trademark such as registered or part of the "trademark field" as their domain name.

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

- Trademark registration application validated by INPI (French National Institute of Industrial Property);
- The final OHIM or WIPO certificate, provided that France is included in the list of countries for the registration.

In respect of *.fr* domain names created on the basis of a registration application validated by INPI:

- 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.

14.2.2 Rules governing *.asso.fr*

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

To receive the authorisation code, the Registrar must send AFNIC:

- 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 database.

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 name, trade name (such as printed on its supporting documents) or acronym.

14.2.3 Rules governing *.gouv.fr*

The *.gouv.fr* domain 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 for identifying the entity;

And,

- Ratification from the Directorate General for State Modernisation (DGME, la Direction Générale de la Modernisation de l'État).

14.2.4 Naming convention rules

AFNIC checks the match between the applicant and the requested domain name as follows. Domain names starting with *aggl-*, *cc-*, *cg-*, *cr-*, *mairie-*, *ville-*, cannot be registered except in accordance with the following rules.

Domain name	Applicant	Supporting documents
<i>aggl-name.fr</i> "name" is the name of the metropolitan area	Metropolitan area	Identifier number in the SIRENE enterprise directory
<i>cc-name.fr</i> "name" is the officially declared name of the community of communes	Communities of communes	Identifier number in the SIRENE enterprise directory
<i>cg-xx.fr</i> "xx" is the number or name of the officially declared department	Departmental councils	Identifier number in the SIRENE enterprise directory
<i>cr-name.fr</i> "nom" is the officially declared name of the region	Regional councils	Identifier number in the SIRENE enterprise directory
<i>mairie-name.fr</i> and <i>ville-name.fr</i> "name" is the officially declared name of the town or village	Towns or villages	Identifier number in the SIRENE enterprise directory

14.3 Rules concerning fundamental terms

In compliance with the provisions of the Order, AFNIC maintains an updated list of terms that cannot be legitimately registered, particularly because they are unlawful or contravene public policy, or are comprised of terms that are reserved for the public authorities or AFNIC.

AFNIC verifies that the requested term is not on the list of names that cannot be registered because they are prohibited or reserved.

A term's being added to the list does not adversely affect the renewal or registration of the term, if that renewal or registration was completed first.

The list can only be modified by the Minister in charge of Electronic Communications based on a recommendation from AFNIC.

Any dispute arising from the refusal to register a domain name considered to be a fundamental term is directed to the AFNIC Board of Directors. Requests must be for cause.

The list of fundamental terms is available on the AFNIC website at the following address: www.afnic.fr/obtenir/chartes/fondamentaux.

This list will change over time and applicants should familiarize themselves with it with the understanding that the list published online is not exhaustive, given that the simple fact of publishing certain of these terms might offend some readers.

14.3.1 Prohibited terms

The list of terms that cannot be registered because they are “prohibited terms” includes, in particular:

- 1) Abusive terms;
- 2) Racist terms;
- 3) Obscene terms;
- 4) Terms relating to crime or offences.

14.3.2 Reserved terms

The list of terms that are “reserved” and can be registered only subject to special conditions, based on the identity or rights of the applicant include, in particular:

- 1) Technical Internet terms;
- 2) Names of regulated professions;
- 3) Terms relating to government operation;
- 4) Names of the signatory countries of the Paris Convention;
- 5) Dedicated names or terms of international organisations;
- 6) Names of French towns and villages in their base form: the list of reserved terms can be consulted directly on the [INSEE website](#);
- 7) The name of the French Republic, its national institutions and public services, either alone or associated with words referring to such institutions or services;
- 8) The name of a local authority, intermunicipal agreement with agglomeration-wide fiscal resources, either alone or associated with words or abbreviations referring to local institutions;
- 9) The name of someone in office, associated with words referring to their elective functions.

Under Article R.20-44-43-IV, provisions 7 to 9 do not prevent the renewal of domain names registered before the enactment of France's Domain Name Allocation and Management Act 2007, amending the French Electronic Communications and Telecommunications Act:

- By a company whose name is identical to the registered name and which registered that name as a trademark before 1st January 2004;
- By an association whose mission is to defend and promote a protected "designation of origin" for which the name has been registered.

The registration of reserved terms may be subject to specific provisions stipulated in the Procedures Manual.

14.3.3 Posting of terms that are unlawful or contravene public policy

Pursuant to Article 5 of the Appendix to the Order, AFNIC makes available on its website an easily accessible mechanism allowing any person to report whether a *.fr* domain name is considered to be unlawful or contravene public policy.

The notification accomplished in this manner is the sole responsibility of the person who undertakes it.

If warranted, AFNIC will provide relevant information to the appropriate authorities.

This mechanism may not be understood as a dispute resolution procedure.

Article 15. Domain name transactions

Except where provisions to the contrary are made for certain domain names, transaction requests sent to AFNIC by Registrars are handled on a "first come, first served" basis, meaning that they are processed in chronological order of receipt.

15.1 Creating a domain name

Two registration procedures are available for creating a domain name:

- Standard domain name registration;
- Domain name registration subject to conditions.

15.1.1 Standard domain name registration

Standard registration applies to the *.fr* and *.com.fr* domains.

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 the following domains: *.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 5.1 and 5.2 herein.

These checks are performed in two cases:

- When the contact used as the "holder" contact appears in a transaction request for the first time;

- When the last identification and eligibility check on the holder was carried out over one year ago and the holder has requested a new domain name transaction.

AFNIC checks that the information entered by the Registrar complies with the information in the databases stipulated in Article 5.1.

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 these databases that might affect a smooth registration process.

For the applicants referred to in Article 5.3 of this Policy, the operations are performed by Registrars in compliance with the Procedures Manual. To do this, 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 holder.

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 holder'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 holder (and consequently all current or future domain names) will not be subject to any new checks for twelve (12) months, unless by reason of a legal requisition, court order or duly substantiated third-party request.

The holder, 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.

15.1.2 Domain name registration subject to conditions

This form of registration applies to the domain names specified in Article 14.2 herein, excluding prohibited terms.

As part of the registration procedure for these domain names, registration can only be performed after AFNIC has sent an authorisation code to the Registrar.

The Registrar sends the necessary supporting documents to ensure that the applicant can register the required domain name.

AFNIC carries out the necessary checks (applicant's identity and justification for the application).

If checks are successful, AFNIC sends an authorisation code to the Registrar, so that it can register the said domain name in accordance with the [Procedures Manual](#).

Holders will not be subject to any new checks for twelve (12) months, unless by reason of a legal requisition, court order, Procedures Manual or duly substantiated third-party request.

15.2 Changing Registrar

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

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

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](#).

15.3 Voluntary domain name transfers

Domain names can be transferred, subject to compliance with the Naming Policy and the specifics of the identification documents.

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 case 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.

15.4 Compulsory domain name transfers

AFNIC carries out compulsory domain name transfers following:

- A decision taken as part of alternative dispute resolution proceedings;
- A decision taken as part of alternative dispute resolution proceedings for material violations of the provisions stipulated in Articles R.20-44-34 *et seq.* of the French Electronic Communications and Telecommunications Act;
- A corporate operation (merger, demerger, etc.);
- A legal decision where the following conditions are met:
 - After either party has notified AFNIC, by bailiff, of an interim court decision in pursuance of Article 514 of the new Civil Claims Act and justification that the party has been notified of the decision;
(Or)
 - After either party has notified AFNIC, by bailiff, of an interim court decision in pursuance of Article 515 of the new Civil Claims Act and justification that the party has been notified of the decision, and upon presentation of any warranty ordered by the judge in pursuance of Article 517 of the new Civil Claims Act;
(Or)
 - After either party has notified AFNIC, by bailiff, of a final court decision in pursuance of Article 500 of the new Civil Claims Act according to which it is justified. For example, this justification may comprise a certificate of non-recourse or confirmation of the appeal decision.

Should any decision applied by AFNIC be subsequently varied (altered by the court, varied on appeal, quashed, etc.), AFNIC will apply the new decision under the same notification conditions as above.

AFNIC cannot take any action on requests that fail to comply with these conditions and shall not be liable for sent letters, summonses and copies of writs.

Given the foregoing, it is not productive to bring an action against AFNIC for a binding ruling. AFNIC reserves the right to bring a claim for abuse of process as required.

AFNIC shall not be held liable on any grounds whatsoever for its operations performed in pursuance of a court decision or dispute resolution decision, whereby the complainant shall hold AFNIC harmless against any claims.

The compulsory transfer procedure implies that the new holder, 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 holder is responsible for all technical and administrative fees incurred by a compulsory transfer, the new holder will be liable for recovering such costs from the former holder if necessary.

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

15.5 Deleting a domain name

A domain name may be deleted:

- At the request of the Registrar without without AFNIC taking any action;
- Following an interim or final court decision, such as described in the article relating to compulsory domain name transfers. Either party may notify AFNIC of this decision by bailiff;
- Following alternative dispute resolution proceedings stipulated in Article 18;
- If the identification and eligibility checks are inconclusive (since such checks are strictly limited to the issue of compliance with Articles 15.1.1 and 17).

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

When the redemption period allowed for domain names deleted at a Registrar's request has elapsed, removal is irreversible.

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

There is no redemption period in cases where the deletion occurs at the end of an unsuccessful process to identify and/or verify eligibility.

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

The technical procedure involved in removing and reactivating domain names is described in the [Procedures Manual](#).

Article 16. Orphan domain names

If a Registrar is not anymore under contract with AFNIC for any reason whatsoever, including:

- Failure to renew its registration agreement with AFNIC;
- Collective insolvency proceedings;
- Ceased trading in the domain concerned;
- Termination of the registration agreement with AFNIC, irrespective of the reason;

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

The Registrar is responsible for first notifying its customers / holders.

If the Registrar fails to comply, AFNIC will notify the holder 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 take action in exceptional circumstances.

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

Article 17. Occasional checks

17.1 Guiding principles

In addition to the checks performed when registering a domain name, AFNIC may carry out checks for compliance with Articles 5, 6 and 8 of the Naming Policy either of its own accord or following a duly substantiated third-party request.

Such checks are not aimed at lifting the confidentiality of the registrant's personal data where the registrant has opted for restricted distribution.

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

- The AFNIC transaction request; Or
- Confirmation of compliance with the criteria stipulated by the policy in respect of the individuals specified in Article 5.3;
- The production of documentary evidence of compliance with the eligibility criteria on the part of the holder, 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 aimed at guaranteeing the reliability of the [Whois](#) database.

AFNIC conducts no “prior use” searches in connection with domain names.

17.2 Verification results

- Following the verification procedure, if the registrant is held to be in compliance with the Naming Policy and [Procedures Manual](#), the holder will not be subject to any new checks for twelve (12) months, unless by reason of a legal requisition, court order, Procedures Manual or duly substantiated third-party request.
- Following the verification procedure, if the registrant is held to be in breach of the Naming Policy or Procedures Manual, AFNIC may block the domain names and, if necessary, remove the holder's domain names in accordance with the provisions described in the Procedures Manual.
- In this case, verification checks are carried out on all domain names registered by the same holder. The holder, administrative contact(s) and Registrar(s) will be notified accordingly

In accordance with authorisation no. 2007-246 issued by France's data protection authority, AFNIC may ban a registrant from registering domain names in the *.fr* territory following such checks and in line with the terms and conditions of the foregoing authorisation.

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

Article 18. Alternative dispute resolution

18.1 General Principles

The holder of a domain name agrees to be subject to the domain name-related dispute resolution procedures described below.

Pursuant to Article R.20-44-49 of the French Electronic Communications and Telecommunications Act and Article 4 of the Appendix to AFNIC's Designation Order, AFNIC is not authorized, unless otherwise determined by a court, to block, delete or transfer domain names outside of the procedures specified below.

18.2 Alternative Dispute Resolution (ADR)

The terms and conditions of ADR are defined within the rules available at www.afnic.fr/doc/ref/juridique/parl.

Registrants are reminded that AFNIC has no involvement in the decisions taken in the context of an ADR and shall not be held liable for the activities of the said organisations or the decisions awarded.

These procedures are aimed exclusively at resolving disputes relating to the registration of domain names between registrants and third parties, and are in no way aimed at resolving disputes relating to AFNIC's or Registrars' responsibilities.

AFNIC, for its part, shall enforce the decisions arising from alternative dispute resolution procedures within the specified times.

Alternative dispute resolution applies to all domain names already registered.

18.3 Dispute resolution procedure for obvious breaches of the provisions stipulated in Articles R.20-44-43 to R.20-44-46 of the French Electronic Communications and Telecommunications Act

The terms and conditions of the dispute resolution procedure for obvious breaches of the provisions stipulated in Articles R.20-44-43 to R.20-44-46 of the French Electronic Communications and Telecommunications Act are defined within the procedure's rules, which can be consulted at: www.afnic.fr/doc/ref/juridique/predec.

This procedure is aimed exclusively at resolving disputes relating to the registration of domain names between registrants and third parties, and is in no way aimed at resolving disputes relating to AFNIC's or Registrars' responsibilities.

It is only used to obtain a decision to transfer, block or remove the domain name underlying the dispute.

Article 19. Frozen domain name transactions

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

- Following an interim or final court decision to freeze operations, such as described in the article relating to compulsory domain name transfers or orders issued on motion;
- As soon as dispute resolution proceedings as stipulated in Article 18 are instigated.

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

Frozen 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 freeze on domain name transactions is lifted.

Domain names with frozen transactions are identified as such in the [Whois](#) database.

Article 20. Blocked domain names

A domain name may be blocked under the following circumstances:

- Following an interim or final court decision to block the domain name, such as described in the article relating to compulsory domain name transfers;
- Decisions taken as part of alternative dispute resolution proceedings for material violations of the provisions stipulated in Articles R.20-44-43 to R.20-44-46 of the French Electronic Communications and Telecommunications Act;
- Checks are inconclusive (since such checks are strictly limited to the issue of compliance with Articles 15.1.1 and 17);
- Where the domain name is an orphan.

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

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

Article 21. Confidentiality

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 apply to disclosures enforced by court order or in pursuance of decisions resulting from alternative dispute resolution.

Article 22. Whois database

AFNIC gathers with Registrars all types of identifying data needed to identify natural or moral persons who hold domain names.

AFNIC is the sole owner of the [Whois](#) database, featuring all the data collected to identify individual and corporate entity domain name holders and domain name registrations.

AFNIC determines the technical conditions for how this benchmark database functions and for accessing the associated services; the conditions for using the database are defined in the terms of the reference document, entitled "[Policy for publishing and accessing data](#)".

However, AFNIC shall not 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, particularly the data held in the "Whois" database.

Article 23. Personal data

23.1 Guiding principles

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 holders.

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.

23.2 Restricted distribution

The very relevance of the [Whois](#) database is such that all information relating to domain name holders, administrative and technical contacts, whether individuals or corporate entities, is distributed online and is 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 holder may opt for the default "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 an individual is both the registrant and the administrative contact, the "restricted distribution" option is checked 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 holder.

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

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

- upon an order, petition or summons issued by a court, noting that it is not productive to bring an action against AFNIC in order to obtain this type of information;
- at the request of an authority that has a right of communication (DGCCRF [General Directorate for Competition Policy, Consumer Affairs and Fraud Control], customs services, Treasury, etc.);
- as part of an ADR;
- as part of a request of lifting of anonymity through a form called "[Personal Data Disclosure Request](#)" available on the AFNIC website. The removal of anonymity is not automatic, and AFNIC reserves the right, in particular, not to accede to the request regarding the status of the applicant or the objective sought.

Article 24. Liability

Applicants, particularly individuals, are responsible for taking all necessary measures 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, newsletters, and so on).

Applicants are solely responsible for registering and using the domain name, as well as sending accurate and sufficient information to the Registrar.

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

The Registrar is solely responsible for complying with the registrant's wishes, including in terms of protecting their personal information.

With respect to registrations by individuals as specified in Article 5.3, the Registrar is bound to use its best efforts when checking the registrant's eligibility and information in accordance with the provisions herein.

Registrars are obliged to notify applicant of the need to comply with the Naming Policy.

On AFNIC's request, the Registrar will send all information relating to the transaction request or registrant.

AFNIC is bound to allocate domain names in the general interest, according to publicised anti-discrimination rules that strive to ensure that applicants comply with intellectual property rights.

Neither AFNIC nor Registrars are able to carry out a prior check into the merits or legality of the registrant's chosen domain name, or check the legality and conformity of the documents supplied by registrants to support their registration application or any other transaction (company certificate, certificate from INPI or the Prefecture...).

AFNIC accepts no liability arising from a domain name's registration or use, nor for damages in respect of any direct or indirect consequences thereof.

In respect of the technical database and the [Whois](#) database, AFNIC is bound to use its best efforts and 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 provided with wrong information.

The provisions of this Policy which allow AFNIC to monitor or make checks under Articles 15.1.1 and 17 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.

Article 25. 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 any damages awarded against AFNIC following 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.

Article 26. Evidence

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

The same applies to all 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 27. Policy amendments

AFNIC's Naming Policy is constantly changing to reflect improvements, work and agreements between its members and partners.

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