

*Naming Policy for the
French Network
Information Centre*

Registration rules for French extensions

afnic

Contents

Foreword	4
Chapter 1 - General	5
<i>Article 1.1. - Purpose</i>	<i>5</i>
<i>Article 1.2 - Components.....</i>	<i>5</i>
<i>Article 1.3 - Enforceability.....</i>	<i>6</i>
Chapter 2 - Domain Name rules	6
<i>Article 2.1 – Domain categories</i>	<i>6</i>
<i>Article 2.2 - Syntactic constraints.....</i>	<i>7</i>
<i>Article 2.3 - "First Come - First Served" principle.....</i>	<i>7</i>
<i>Article 2.4 - Domain Names subject to prior review</i>	<i>7</i>
<i>Article 2.5 - The ".gouv.fr" extension</i>	<i>9</i>
<i>Article 2.6 - Domain names reserved for the Registry.....</i>	<i>10</i>
<i>Article 2.7 - Entitlement to the domain name.....</i>	<i>10</i>
<i>Article 2.8 - Domain Name validity period</i>	<i>10</i>
<i>Article 2.9 – Billing of the domain name</i>	<i>11</i>
Chapter 3: Registry	11
<i>Article 3.1 - Role of the Registry.....</i>	<i>11</i>
<i>Article 3.2 - Powers of the Registry</i>	<i>12</i>
<i>Article 3.3 - Responsibility of the Registry</i>	<i>13</i>
Chapter 4: Registrars	14
<i>Article 4.1 - Role of Registrars</i>	<i>14</i>
<i>Article 4.2 – Accreditation of registrars.....</i>	<i>14</i>
<i>Article 4.3 - Responsibility of Registrars.....</i>	<i>14</i>
Chapter 5 - Rules relating to the holder of the domain name.....	15
<i>Article 5.1 - Eligibility of the holder of a domain name.....</i>	<i>15</i>
<i>Article 5.2 - Administrative and Technical Contact</i>	<i>15</i>
<i>Article 5.3 – Responsibility of the holder</i>	<i>16</i>
Chapter 6 - Operations on a domain name	16
<i>Article 6.1 – Suspending a domain name</i>	<i>16</i>
<i>Article 6.2 – Blocking a domain name.....</i>	<i>17</i>
<i>Article 6.3 - Voluntary transfer</i>	<i>17</i>
<i>Article 6.4 - Compulsory transfer</i>	<i>17</i>
<i>Article 6.5 - Changing Registrars</i>	<i>18</i>
<i>Article 6.6 - Orphan domain names.....</i>	<i>18</i>
<i>Article 6.7 - Deleting a domain name</i>	<i>19</i>
Chapter 7 - Dispute Resolution.....	19
<i>Article 7.1 - Legal proceedings</i>	<i>19</i>
<i>Article 7.2 - Syreli Procedure</i>	<i>20</i>
Chapter 8 – Private information and data.....	21
<i>Article 8.1 - Confidentiality</i>	<i>21</i>
<i>Article 8.2 - "Whois" Database.....</i>	<i>21</i>
<i>Article 8.3 - Personal data.....</i>	<i>22</i>
<i>Article 8.4 – Restricted information</i>	<i>22</i>
Chapter 9 – Individual provisions.....	23
<i>Article 9.1 - Agreement on Evidence</i>	<i>23</i>
<i>Article 9.2 - Language.....</i>	<i>23</i>

<i>Article 9.3 - Jurisdiction</i>	23
<i>Article 9.4 - Governing Law</i>	23
<i>Article 9.5 - Force Majeure</i>	24
<i>Article 9.6 - Intellectual Property</i>	24
<i>Article 9.7 - Transitional or specific measures</i>	24
A – Domain names in the naming zones .tm.fr, .asso.fr, .asso.re, .com.fr, and .com.re.	24
B - Domain names in overseas zones.....	24

Foreword

1. It is hereby stated that this Policy has been adopted pursuant to:

- Articles L.45 et seq. and R.20-44-34 to 20-44-44 of the French Electronic Communications and Telecommunications Act;
- The government decree appointing AFNIC dated 19 February 2010;
- the Rules and Regulations of the Dispute Resolution System (SYRELI) as approved by Order of the Minister for Electronic Communications dated 21 October 2011;
- the agreement between the French government and AFNIC;
- the registration contracts signed by and between AFNIC and accredited registrars.

2. Domain names are allocated and managed in the public interest in accordance with non-discriminatory and transparent rules, ensuring respect for the freedom of communication, the freedom of enterprise and intellectual property rights.

Chapter 1 - General

Article 1.1. - Purpose

3. This naming policy defines the conditions for allocating and managing domain names, centralized by AFNIC in its capacity as Registry, namely :

<i>.fr</i>	Metropolitan France and Corsica.
<i>.re</i>	Reunion Island
<i>.yt</i>	Mayotte
<i>.pm</i>	Saint Pierre and Miquelon
<i>.wf</i>	Wallis and Futuna Islands
<i>.tf</i>	French Southern and Antarctic Territories

4. Unless otherwise stipulated, this naming policy applies to any new extension centralized by AFNIC.

5. This naming policy does not apply to Top Level Domain names other than those provided in this article, in particular:

- ✓ Country-code Top Level Domain names (ccTLD);
- ✓ generic Top Level Domain names (gTLD);
- ✓ domain names for which AFNIC will assume the role of service provider (back end registry).

Article 1.2 - Components

6. The AFNIC Naming Policy comprises:

- ✓ This document;
- ✓ [Procedures Manual\(s\)](#) and / or integration manual(s);
- ✓ the [Litigation Management Policy for French Internet domains](#);

- ✓ the [Syreli](#) rules and regulations;
- ✓ the [Information Publication and Access Policy for registrations under the .fr TLD](#);
- ✓ [the accreditation policy](#);
- ✓ and generally all the documents and procedures adopted by AFNIC.

Article 1.3 - Enforceability

7. Any person requesting an intervention by AFNIC in its capacity as the Registry is deemed to have read the terms of the AFNIC naming policy.

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

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

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

11. Should the policy be modified, the new version shall be immediately applicable:

- ✓ to each new domain name;
- ✓ to existing domain names should:
 - a request for administrative action be made;
 - they be renewed.

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

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

14. 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.

Chapter 2 - Domain Name rules

Article 2.1 – Domain categories

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

16. 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 2.2 - Syntactic constraints

17. Domain names may comprise terms consisting of the 26 letters of the French alphabet from A to Z, the numbers 0 through 9, and the hyphen "-".

18. Domain names cannot be registered which:

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

Article 2.3 - "First Come - First Served" principle

19. Except where provisions to the contrary are made for certain domain names, and subject to the provisions of Article L45-2 of the French Electronic Communications and Telecommunications Act, transaction requests sent to AFNIC by Registrars are handled on a "first come, first served" basis, meaning that they are processed by chronological order of receipt.

Article 2.4 - Domain Names subject to prior review

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

21. The list is available on the AFNIC website.

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

23. For this type of domain name, the Registrar sends AFNIC the necessary supporting documents beforehand to ensure that the applicant is entitled to register the domain name in question and that it is compliant with the provisions of the French Electronic Communications and Telecommunications Act.

24. In order to register a term subject to prior review, the applicant must ensure that the domain name:

- ✓ is not liable to disrupt public order or morality, or the rights guaranteed by the French Constitution or French law;
- ✓ is not liable to infringe intellectual property rights or personal rights or is not identical or related to that of the French Republic, of a local authority or group of local authorities, of an institution or a local or national public service, unless the applicant provides proof of a legitimate interest and is acting in good faith.

25. Pursuant to article R 20-44-43, the existence of a legitimate interest may be characterized by:

- ✓ the use of the domain name or an identical or related name, as part of an offer of goods or services, or proof that the applicant has taken preparations to do so;
- ✓ the applicant is known by an identical name or one related to this domain name, even in the absence of any recognised rights to that name;
- ✓ the applicant's non-commercial use of the domain name or related name with no intention to mislead consumers or harm the reputation of a name to which a right has been recognized or established.

26. Pursuant to article R 20-44-43, bad faith may be characterized by:

- ✓ the applicant having obtained or applied for the registration of the name primarily in order to sell, lease or transfer it in some manner to a public body, a local authority or the holder of an identical or related name to which a right has been recognized, and not to effectively operate it;
- ✓ the applicant having obtained or applied for the registration of a domain name primarily in order to harm the reputation of the holder of a legitimate interest or a recognised right to that name or a related name, or that of a product or service likened to that name in the minds of consumers;
- ✓ the applicant having obtained or applied for the registration of a domain name primarily in order to profit from the reputation of the holder of a legitimate interest or a recognised right to that name or a related name, or that of a product or service likened to that name, by creating confusion in the minds of consumers;

27. When considering the application, AFNIC reserves the right to request any supporting evidence or documents it considers necessary.

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

29. . If the application does not meet the review criteria, AFNIC:

- ✓ sends the registrar a rejection email;
- ✓ shall consider the following application concerning the same domain name.

30. In the event of any dispute, the "Legal Procedure" article shall be applied.

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

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

33. Similarly, the domain names governed by the naming convention below are subject to prior review under the same conditions:

Domain name	Recommended use	Supporting documents
<p><i>agгло-name.extension</i></p> <p>"name" is the name of the metropolitan area authority</p>	Metropolitan area authority	Identify in the SIRENE enterprise directory
<p><i>cc-name.extension</i></p> <p>"name" is the officially declared name of the community of municipal authorities</p>	Community of municipal authorities	Identify in the SIRENE enterprise directory
<p><i>cg-xx.extension</i></p> <p>"xx" is the number or directory name of the officially declared department</p>	General councils	Identify in the SIRENE enterprise directory
<p><i>cr-nom.extension</i></p> <p>"name" is the officially declared name of the regional council</p>	<i>Regional councils</i>	Identify in the SIRENE enterprise directory
<p>mairie-name.extension and town-name.extension</p> <p>"name" is the officially declared name of the municipality</p>	Cities	Identify in the SIRENE enterprise directory

Article 2.5 - The ".gouv.fr" extension

34. The ".gouv.fr" extension is reserved for the French government.

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

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

Article 2.6 - Domain names reserved for the Registry

36. In order to carry out its assignment, the following words are reserved for AFNIC and therefore cannot be registered:

fr	nic	www
web	w3	whois
office-d-enregistrement	officedenregistrement	office-enregistrement
officeenregistrement	officenregistrement	asso
tm	gouv	com

37. This list may be modified depending on legal or regulatory changes or those involving naming techniques.

Article 2.7 - Entitlement to the domain name

38. Holders own the domain name throughout its validity period in accordance with the terms and conditions of the Naming Policy. The performance of their duties does not grant AFNIC or the registrar any intellectual property rights to the domain names they manage.

39. This article does not mean that in the event of a failure to comply with the terms of the naming policy, the holder of the domain name cannot be deprived of the domain name in accordance with the legal and constitutional provisions and in accordance with the terms and conditions of this naming policy.

Article 2.8 - Domain Name validity period

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

41. The renewal of the domain name is implied unless a request for its deletion is sent by the registrar.

Article 2.9 – Billing of the domain name

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

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

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

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

45. Registrars remain free to fix their own service prices but are required to make them public.

46. Invoices are sent to and paid by the Registrar.

47. Transaction request costs are due once finalised by AFNIC.

48. The cost of registration, however, is due to AFNIC, regardless of the outcome of the holder substantiation procedure.

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

50. 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.

Chapter 3: Registry

Article 3.1 - Role of the Registry

51. Domain names are allocated by AFNIC, through 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.

52. AFNIC establishes non-discriminatory and transparent rules that guarantee the freedom of communication, the freedom of enterprise and intellectual property rights.

53. AFNIC does not conduct any due diligence of applications for registration, except those relating to the terms subject to prior review as provided by this naming policy.

54. AFNIC does not research any pre-existing rights to check if the term chosen is available or if a third party may assert a right of any kind on it.

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

56. Reports are made under the sole responsibility of their author, without prejudice to the right of AFNIC to inform the competent public authorities.

57. Making a report does not constitute a dispute resolution procedure.

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

Article 3.2 - Powers of the Registry

59. The French Electronic Communications and Telecommunications Act does not confer AFNIC with the power to:

- ✓ check in general the validity or legality of the choice of terms requested for registration;
- ✓ check the legality or compliance of the supporting documents submitted by applicants and who base their application for registration or other operations (company registration certificate (Kbis), certificate from the French National Institute of Industrial Property (INPI) or the Prefecture, etc.)

60. AFNIC may carry out checks as part of qualification operations to ensure the eligibility and / or the reachability of the holder of the domain name. The qualification process consists of two (2) distinct processes, namely the verification process and the substantiation process.

61. The verification process is initiated in several cases:

- ✓ to finalize an operation on a domain name whose incoming holder has never been qualified before,
- ✓ At the initiative of AFNIC;
- ✓ Further to a report by a third party by means of the verification form available on the AFNIC website;
- ✓ At the initiative of the registrar.

The verification process does not affect the portfolio of the holder of the domain name.

62. The substantiation process is initiated in several cases:

- ✓ After a verification used to highlight the implausible nature of the eligibility data and / or the reachability of the holder;
- ✓ When the verification after a report proves to be fruitless;
- ✓ As a result of a duly substantiated complaint from a third party by means of the verification form available on the AFNIC website; this request is made to AFNIC with **supporting** documentation.

The control is initiated in accordance with the [Procedures Manual](#).

63. When the substantiation procedure is initiated, AFNIC sends the registry a request for supporting documents and notifies the owner and third party of same. Concomitantly, AFNIC suspends the portfolio of the domain name holder for a maximum period of thirty (30) days.

- ✓ If, after this period, there is no evidence to conclude that the holder complies with the eligibility and reachability rules, AFNIC informs the registrar, the holder and the third party, and blocks the holder's portfolio for a maximum period of thirty (30) days.
- ✓ If, after this period, there is no evidence to conclude that the holder complies with the eligibility and reachability rules, AFNIC informs the registrar, the holder and the third party, and deletes the holder's portfolio.

64. The situation can be rectified at any time by sending supporting evidence, in which case, AFNIC terminates the current procedure and informs the holder and the third party.

Article 3.3 - Responsibility of the Registry

65. Pursuant to the last paragraph of Article L 45-1 of the French Electronic Communications and Telecommunications Act, a domain name is registered under the responsibility of the applicant; for this reason, AFNIC cannot be held liable by virtue of the registration and / or use of a domain name, or for any direct or indirect damage caused by same.

66. Similarly, pursuant to the last paragraph of Article L 45-1 of the French Electronic Communications and Telecommunications Act, a domain name is registered on the basis of statements made by the applicant; for this reason, AFNIC cannot be held liable for any erroneous, false, or misleading information or omissions in the "Whois" database.

67. Similarly, AFNIC cannot be held liable for any temporary inability to access the "Whois" database, or for modifications or deletions to same caused by a force majeure, a fortuitous event, fraud, or when it has been provided with inexact information.

68. AFNIC only has a simple right to use the "Whois" database, the government owning all the rights to the database.

69. AFNIC is bound by no obligation to provide advice either to applicants, Registrars or third parties.

70. Under Article L. 45-4 of the French Electronic Communications and Telecommunications Act, it is stated that the allocation of domain names is provided by the Registry through registrars. Consequently, AFNIC may not be considered to be an "intermediary" or playing such a role, and cannot be held liable for any relations of whatever kind between the Registrar and its customers (applicants or holders).

71. These provisions do not preclude the possibility of AFNIC to contact the holder and / or the administrative contact of a domain name in the special cases mentioned in the naming policy (e.g. Syreli procedure, orphan domain names, etc.).

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

Chapter 4: Registrars

Article 4.1 - Role of Registrars

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

74. The term "registrar" refers to corporate entities which, as part of a registration contract concluded with AFNIC, provide registration services for domain names.

75. The individual or corporate entity that wishes to register a domain name or make any change to a domain name must choose a registrar from among the accredited registrars on a list maintained by AFNIC on its website.

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

Article 4.2 – Accreditation of registrars

77. Any person wishing to act as a registrar for domain names within the scope of the mission entrusted to AFNIC must be accredited for each top level domain in question..

78. This accreditation is issued by AFNIC in accordance with non-discriminatory and transparent rules under the accreditation policy published on the AFNIC website.

79. The purpose of accreditation is to ensure that the registrar meets the essential requirements necessary to meet its obligations as laid down by Article R20-44-41 of the French Electronic Communications and Telecommunications Act.

80. Accreditation is issued by the AFNIC only on the basis of information provided by the registrars.

81. Accreditation cannot therefore be construed as a guarantee or a quality mark of the activities of the Registry.

Article 4.3 - Responsibility of Registrars

82. The registrar is solely responsible for:

- ✓ the relationship it has with its customers;
- ✓ any third party claims in respect of one or more domain names;
- ✓ the correct technical processing of the transaction request to be sent to AFNIC, the entry of the data corresponding to the registrant's choices, especially in terms of personal information, and for forwarding that data to AFNIC;
- ✓ meeting the verification requests and activities sent to it by AFNIC;
- ✓ complying with the registrant's wishes, with particular respect to protecting their personal information.

83. AFNIC cannot be held responsible for the actions of the registrar.

Chapter 5 - Rules relating to the holder of the domain name

Article 5.1 - Eligibility of the holder of a domain name

84. Any individual residing and any legal entity having its headquarters or principal place of business as specified below may apply to register or renew a domain name in each of the top-level domains:

- ✓ within the territory of one of the member states of the European Union;
- ✓ within the territory of the following countries: Iceland, Liechtenstein, Norway and Switzerland.

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

86. 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.

Article 5.2 - Administrative and Technical Contact

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

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

89. If the administrative contact is not the holder, the said contact has no rights over the domain name.

90. The same eligibility rules applicable to the holder apply to the administrative contact.

91. 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](#).

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

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

94. 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 5.3 – Responsibility of the holder

95. Pursuant to Article L 45.1 of the French Electronic Communications and Telecommunications Act, the registration and renewal of domain names is done on the basis of statements made by the applicant and under its responsibility

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

97. 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, etc.).

98. The registrant is held to choose a provider accredited by AFNIC. AFNIC cannot be held responsible for false information or misleading statements.

99. 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 transfers of domain names.

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

Chapter 6 - Operations on a domain name

101. The Interventions carried out by AFNIC on domain names are set out in paragraph 4 of the Annex to the Order of 19 February 2010.

Article 6.1 – Suspending a domain name

102. A domain name may be subject to a suspension procedure in the following cases::

- ✓ a court decision ordering the suspension of the domain name and meeting the terms and conditions stipulated in the article entitled "Legal procedure";
- ✓ the opening of a Syreli procedure;
- ✓ the opening of a verification procedure as referred to in the article "Powers of the Registry".

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

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

105. This does not affect the operation of the domain name.

Article 6.2 – Blocking a domain name

106. A domain name may be subject to a blocking procedure in the following cases::

- ✓ a court decision ordering the blocking of the domain name and meeting the terms and conditions stipulated in the article entitled "Legal procedure";
- ✓ a verification procedure as referred to in the article "Powers of the Registry";
- ✓ when the domain name is an orphan.

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

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

109. This makes the domain name inoperative.

Article 6.3 - Voluntary transfer

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

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

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

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

Article 6.4 - Compulsory transfer

114.AFNIC carries out compulsory transfers of domain names further to:

- ✓ a transfer decision taken as part of a Syreli procedure;
- ✓ a court decision ordering the transfer of the domain name and meeting the terms and conditions stipulated in the article entitled "Legal procedure";
- ✓ a corporate operation (merger, demerger, etc.) if the original holder is no longer able to carry out a voluntary transfer;
- ✓ a situation where the original holder is no longer able to carry out a voluntary transfer and a legal or commercial link is established between the original holder and the new holder.

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

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

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

Article 6.5 - Changing Registrars

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

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

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

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

Article 6.6 - Orphan domain names

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

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

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

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

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

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

Article 6.7 - Deleting a domain name

126.A domain name may be deleted:

- ✓ At the request of the registrar
- ✓ further to a court decision ordering the deletion of the domain name and meeting the terms and conditions stipulated in the article entitled "Legal procedure";
- ✓ following a decision to delete the domain name taken as part of the Syreli procedure;
- ✓ after an unsuccessful verification procedure as referred to in the article "Powers of the Registry";
- ✓ After an "orphan domain name" procedure as referred to in the article entitled "Orphan domain names".

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

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

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

130. There is no lead-time for the Restore operation in cases where deletion occurs after an unsuccessful verification procedure as part of the substantiation process referred to in the article entitled "Powers of the Registry".

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

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

Chapter 7 - Dispute Resolution

133. Pursuant to paragraph 4 of the Annex to the Order of 19 February 2010, AFNIC may only intervene in accordance with a court order handed down after legal proceedings or as part of the Syreli procedure.

Article 7.1 - Legal proceedings

134. AFNIC does not interfere in judicial proceedings relating to domain names for which it is responsible.

135. AFNIC does not have the authority to take precautionary measures, since they can only be implemented further to a court order taken to meet the requirements of this article.

136. It is therefore the sole responsibility of the third parties concerned to take all the appropriate measures to stop any violation they claim to infringe their rights.

137. Since AFNIC is required to implement a court order taken as a result of legal proceedings, it is totally unnecessary to have it intervene or ask it to intervene in such proceedings. . This being said, AFNIC reserves the right to initiate a request for abuse of process as and when required, and to seek reimbursement of the expenses incurred by same.

138. AFNIC satisfies this requirement under the following conditions:

- ✓ After either party has notified AFNIC, by bailiff, of an interim court decision in pursuance of Article 514 of the French Code of Civil Procedure and justification that the party has been notified of the decision;

(Or)

- ✓ After the earliest petitioner has notified AFNIC, by bailiff, of an interim court decision in pursuance of Article 515 of the French Code of Civil Procedure and substantiation 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 French Code of Civil Procedure ;

(Or)

- ✓ After the earliest petitioner has notified AFNIC, by bailiff, of a final court decision that has the force of res judicata, pursuant to Article 500 of the Code of Civil Procedure, and with due substantiation. For example, the substantiation may comprise the forwarding of a certificate of non-recourse or of the appeal decision.

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

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

141. AFNIC shall not be held liable on any grounds whatsoever for the operations it performs pursuant to a court decision, or to a handed down as part of a Syreli procedure, and the applicant shall hold AFNIC harmless against any claims.

Article 7.2 - Syreli Procedure

142. The holder of a domain name agrees without reserve to be governed by the Syreli procedure managed by AFNIC.

143. [Syreli](#) procedure as approved by the decree of 21 October 2011 is available on the AFNIC website.

144. AFNIC is not bound by any other alternative dispute resolution procedure.

Chapter 8 – Private information and data

Article 8.1 - Confidentiality

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

146. This provision does not preclude communications ordered by the court or as part of a request by the appropriate authority [the General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF), France's data protection authority (CNIL), Tax administration, Customs authorities, etc.).

Article 8.2 - "Whois" Database

147. AFNIC is in charge of the Whois database, consisting of all the data collected to identify individual and corporate entity domain name holders and domain name registrations.

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

149. 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.

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

151. The state owns the rights to the "Whois" database; AFNIC has a right to use the "Whois" database.

152. Each day AFNIC publishes the domain names it has registered by means of the "Whois" database.

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

154. AFNIC reserves the right to enhance the database with information about the status of the domain name or qualification procedures. In this way, when a qualification procedure results in the confirmation of the eligibility and / or reachability of the holder, this is entered on the corresponding holder contact object.

155. The registrar can also input the "Whois" database at any time and make an entry on the holder contact object confirming the eligibility and / or its reachability of its client.

156. Entries made by AFNIC to the "Whois" database do not affect the legality or the compliance of the registration or its renewal.

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

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

Article 8.3 - Personal data

159. 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".

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

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

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

163. AFNIC is authorized by permit No. 2007-246 issued by the National Commission for Data Protection, to develop an exclusion list whose purpose is to fight against acts of cybersquatting.

Article 8.4 – Restricted information

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

165. In accordance with the request of the France's data protection authority (CNIL), when a domain name is registered by an individual, the registrant may opt by default for the "restricted information" option.

166. 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).

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

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

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

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

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

Chapter 9 – Individual provisions

Article 9.1 - Agreement on Evidence

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

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

173. 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 9.2 - Language

174. This naming policy has been drafted in French and in English.

175. In the event of any difficulty in interpreting the terms of the naming policy, only in the French language version shall prevail between the parties.

Article 9.3 - Jurisdiction

176. Pursuant to Article L45-6 of the French Electronic Communications and Telecommunications Act, the decisions taken by AFNIC as part of the Syreli procedure are subject to appeal before the judicial court.

177. The same applies to the acts of AFNIC performed pursuant to this Naming Policy and in particular the measures taken as part of the verification procedure.

178. Jurisdiction is hereby expressly conferred to the High Court of Versailles.

179. Except for the special provisions relating to the Syreli procedure, appeals against the decisions and actions of AFNIC must be made, on pain of inadmissibility, within fifteen (15) days of notification of same to the parties.

Article 9.4 - Governing Law

180. This Policy is governed by French law.

Article 9.5 - Force Majeure

181. In cases of force majeure or acts of God, AFNIC may lead to suspend all or part of the application of this Policy.

182. The following events are explicitly considered as force majeure or acts of God, including those usually retained by the jurisprudence of French courts and tribunals, namely:

- War, riots, fire, internal or external strikes, lockouts, occupancy of AFNIC premises, bad weather, earthquakes, flooding, damage by water, legal or governmental restrictions, legal or regulatory changes in forms of marketing, accidents of all kinds, epidemics, pandemic diseases affecting more than 10% of AFNIC staff for a period of two consecutive months, the lack of supply of energy, the partial or total shutdown of the Internet and, more generally, telecommunications networks both public and private, the blocking of roads and the impossibility to procure supplies and any other event beyond the control of the parties expressly preventing the normal performance of this Agreement.

Article 9.6 - Intellectual Property

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

Article 9.7 - Transitional or specific measures

A – Domain names in the naming zones .tm.fr, .asso.fr, .asso.re, .com.fr, and .com.re

184. The registration of domain names in the naming zones *.tm.fr*, *.asso.fr*, *.asso.re*, *.com.fr* and *.com.re* are no longer allowed as of the entry into effect of this policy

185. Domain names existing in these naming zones, however, are maintained; renewal shall take place under the same conditions and the holder may continue to use and exploit them.

186. Only applications to perform transactions compliant with this policy will be processed by AFNIC.

187. Only the transactions qualifying the reachability and the existence of the holder will be processed by AFNIC.

188. As their first renewal after the entry into effect of articles L 45 et seq. and R 20-44-34 to 20-44-44 of the French Electronic Communications and Telecommunications Act of 22 March 2011, the Syreli procedure shall be applicable to them.

B - Domain names in overseas zones

189. Domain names existing under the *.tf* and *.wf* extensions are maintained; renewal shall take place under the same conditions and the holder may continue to use and exploit them.

190. AFNIC contacts the Registrants asking them to choose a Registrar and asks them to do their utmost to comply with the new framework

191. Only applications to perform transactions compliant with this policy will be processed by AFNIC.

192. Only the transactions qualifying the reachability and the existence of the holder will be processed by AFNIC.

193. As their first renewal after the entry into effect of articles L 45 et seq. and R 20-44-34 to 20-44-44 of the French Electronic Communications and Telecommunications Act of 22 March 2011, the Syreli procedure shall be applicable to them.

194. To accompany the opening of the overseas extensions (*.re*, *.pm*, *.yt*, *.wf*, and *.tf*) and on an experimental basis, AFNIC may be lead to cooperate with one or more intellectual property rights registries. In these cases, the owners of the domain names will be alerted by email by the intellectual property rights registry that the registration in question complies with the terms in the intellectual property rights databases.