

# *Accreditation Policy*

**Defining the accreditation rules for  
registrars**

*afnic*

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## *Article 1 - Foreword*

1. As part of its functions and in accordance with the decisions taken by its governing bodies, AFNIC has developed a procedure for accrediting Registrars as referred to in Article L. 45-4 and Articles R.20-44-43 to R.20-44-45 of the French Electronic Communications and Telecommunications Act.
2. Obtaining AFNIC accreditation by the Registrar is a necessary prerequisite to the performance of its duties.
3. For this reason,
  - ✓ The Registrar must be accredited before it can accept the terms of the registration contract;
  - ✓ The registration contract is automatically terminated in case of the loss of accreditation by the Registrar;
  - ✓ Accreditation is obtained after filing a request with AFNIC;
  - ✓ The application for accreditation contains the information needed by AFNIC to assess the compliance of the Registrar with the terms and conditions specified in Article R. 20-44-43 of the French Electronic Communications and Telecommunications Act.
4. In subsequent years, accreditation is automatically renewed for each annual period beginning on January 1 and ending December 31 of each year.

## *Article 2 – Accreditation criteria*

1. Pursuant to the aforementioned articles, the Registrar applying for AFNIC accreditation must demonstrate that it:
  - ✓ Manages the principles and operating procedures for the domain name system.
  - ✓ Manages the equipment and technical rules needed to register domain names with the Registry.
  - ✓ Has set up a procedure to verify the identification data submitted by domain name applicants so that it may address requests from the Registry, as and when required.
  - ✓ Has the requisite human and technical resources to update any administrative and technical data provided by domain name applicants for identification purposes.
  - ✓ Has the required computer equipment and software to ensure the security of personal data provided by domain name applicants, and safeguards these data in compliance with the requirements of French Law 78-17 of 6 January 1978 as amended;
  - ✓ Provides suitable conditions for contact with the public.

### *Article 3 – Accreditation request*

1. Upon receiving the complete accreditation application package, AFNIC examines the application for accreditation.
2. AFNIC must ensure that the minimum requirements explicitly identified throughout the questionnaire in the accreditation application package are correctly handled by the applicant Registrar.
3. It must also read the explanations and diagrams attached to the accreditation application package, and assess their relevance to the questions asked, and ensure the overall consistency of the file.
4. The information and documents sent to AFNIC are done so under the sole responsibility of the applicant Registrar.
5. If there is any incomplete information or if AFNIC has any questions, it sends an e-mail requesting additional information to the applicant Registrar at the e-mail address provided in the accreditation application package.
6. The applicant Registrar has fifteen (15) calendar days in which to provide this additional information.
7. If all the above-mentioned criteria are met, AFNIC sends an e-mail to the applicant Registrar informing it that it is accredited. The e-mail also contains information on the Registrar's customer account. The registration contract applies forthwith.
8. If the above-mentioned criteria are not met, or if the additional information is not sent within the allotted 15-day time period, AFNIC sends a registered letter with acknowledgement of receipt to the Registrar explaining the reasons why accreditation has not been granted.
9. The Registrar has fifteen (15) calendar days in which to appeal the decision.
10. A refusal of accreditation does not preclude the applicant Registrar from applying for accreditation again in the future.
11. The accreditation criteria are subject to change based on new rules laid down by law or regulation. Where appropriate, AFNIC may ask the applicant Registrar for additional information that will be taken into account when considering the application for accreditation.

### *Article 4 – Financial issues*

1. AFNIC processes accreditation applications free of charge.
2. The applicant Registrar accepts sole responsibility for all the costs incurred in preparing and sending its accreditation application package.
3. Similarly, the costs of obtaining and maintaining accreditation are the sole responsibility of the Registrar.

## *Article 5 – Effect of accreditation*

1. The purpose of accreditation is to ensure that the Registrar meets the essential requirements necessary to meet its obligations as laid down by Article R.20-44-44 of the French Electronic Communications and Telecommunications Act.
2. Accreditation is issued by AFNIC only on the basis of information provided by the Registrars.
3. Accreditation cannot therefore be construed as a guarantee or a quality mark of the activities of the Registry.
4. The Registrar, which is entitled to state its accreditation, agrees not to claim or imply that the accreditation issued by AFNIC is a guarantee of the quality of its services.
5. The Registrar agrees to specify in its general conditions of sale / service that accreditation does not incur AFNIC's liability with respect to the quality of the Registrar's services.

## *Article 6 – Confidentiality of the information provided*

1. All the information submitted to AFNIC by the Registrar with the accreditation application package is confidential.
2. However, this obligation to maintain data confidential does not apply if:
  - ✓ AFNIC needs to disclose this data as part of legal proceedings of any kind, for whatever reason;
  - ✓ AFNIC needs to substantiate financial records linked to the accreditation to the tax authorities;
  - ✓ If a third party presents a substantiated request to access the file of a given Registrar (the Registrar is contacted before the file is sent so that it may remove any items it deems confidential).
3. AFNIC publishes the list of accredited Registrars in a directory on its site.
4. In the directory listing, AFNIC also publishes information contained in the accreditation application package clearly identified as being for publication.

## *Article 7 – Updating accreditation items*

1. Accreditation is granted based on items provided in the accreditation application package.
2. AFNIC contacts the Registrars every two years to remind them to update items of information provided in the accreditation application package.
3. The Registrar agrees to keep all information provided to AFNIC in the accreditation application package up to date.

4. If any items have changed or been modified, the Registrar must immediately notify AFNIC by e-mail or post at the above-mentioned addresses, or through its account manager.
5. Any modifications or changes require a re-examination of the accreditation application package.
6. In the event that the accreditation criteria defined by the French Electronic Communications and Telecommunications Act should change, the Registrar agrees to comply with new criteria defined within the lead-time fixed by law or regulation and failing that, within the lead-times set by AFNIC.

### *Article 8 - Checks*

1. AFNIC may perform occasional checks on the information provided, of its own initiative or pursuant to a duly substantiated complaint by a third party.
2. These checks may be performed on documents or on the premises of the Registrar.
3. The check on documents is made if AFNIC asks for further information on one or several items and/or documents.
4. The Registrar communicates the items and/or documents requested within a maximum of 72 hours, which may be decreased to 48 hours in an emergency.
5. The check can be performed on the Registrar's premises if 72 hours' advance notice is given.

### *Article 9 - Suspension /Withdrawal of accreditation*

1. Pursuant to article R. 20-44-45 of the French Electronic Communications and Telecommunications Act, AFNIC may suspend or cancel the accreditation given to a Registrar in any one of the following cases:
  - ✓ In case of non-compliance with articles L.45-1 et seq. and R.45-3 to 45-5 of the French Electronic Communications and Telecommunications Act;
  - ✓ If AFNIC has received erroneous or out-of-date data during the application for accreditation;
  - ✓ In the event of cancellation of or failure to renew the Registration Contract;
  - ✓ If an AFNIC check reveals non-compliance with the accreditation criteria set out in Article R. 20-44-43 of the French Electronic Communications and Telecommunications Act,
2. When AFNIC believes that the Registrar does not meet some or all of the above criteria or requirements, accreditation is suspended for a period not exceeding four (4) months, or is withdrawn.
3. During the period of suspension of accreditation, the Registrar cannot carry out any new administration action on domain names under its management, or make new registrations with AFNIC; this does not, however, suspend its obligation to pay any amounts due to AFNIC.

4. AFNIC sends the Registrar in question notice of the planned suspension or cancellation of accreditation, along with its reasons. The Registrar has one (1) calendar month in which to present its own observations.
5. After this period of one month:
  - ✓ If the reply to AFNIC is such that it can ascertain that the Registrar has made the necessary adjustments to meet the obligations referred to hereinabove, the suspension procedure is waived;
  - ✓ If no answer is provided, or if the response is inadequate, the suspension procedure is implemented in accordance with the deadline set by AFNIC, and the registration account of the Registrar is suspended for the same period.
6. After the period of suspension:
  - ✓ If the Registrar has taken the measures which allow AFNIC to ascertain that the Registrar has made the necessary adjustments to meet the above requirements, the suspension procedure is waived, the Registrar is once again accredited, and its registration account is re-activated;
  - ✓ If the Registrar does not reply to AFNIC or fails to take the measures enabling the AFNIC to ascertain that the Registrar has made the necessary adjustments to meet the obligations referred to hereinabove, its accreditation is withdrawn.
7. The withdrawal of accreditation, *ipso facto* incurs the termination of the registration contract, without notice, notification, or compensation.
8. The withdrawal of accreditation occurs automatically, without notice or notification, in the event of non-renewal or termination of the registration contract
9. On the other hand, the temporary suspension of the registration contract binding AFNIC to the Registrar does not affect the accreditation previously granted.
10. The decision to withdraw or suspend accreditation is taken by the Legal Affairs Director of AFNIC.

### *Article 10 – Transitional measures*

1. The accreditation of the Registrar enters into effect on 1 January 2012.
2. For the first year, regardless of the date on which AFNIC accredits the Registrar, accreditation is applicable for a period expiring on 31 December of the calendar year underway.
3. Registrars operating under the AFNIC registration contract before 2 August 2011 must file an accreditation application package with AFNIC by or before 31 December 2011.
4. Failing same, the Registrars in question will receive a summons to regularize their status within sixty (60) calendar days.

5. If the accreditation application package is not sent within this time period, or if the accreditation conditions defined by law are not met, AFNIC sends the Registrars in question a registered letter with acknowledgement of receipt requesting that the Registrars:

- ✓ Terminate their dealings with AFNIC (the Registration Contract is cancelled);
- ✓ Contact their customers to inform them of the situation and invite them to seek out an accredited Registrar,
- ✓ Inform AFNIC of the name of the Registrar likely to take over their customer portfolio.

6. If no information is received within thirty (30) calendar days, AFNIC offers accredited Registrars to take over the domain name portfolio of the outgoing Registrar.

7. However, this takeover depends on certain conditions. The Registrar taking over the portfolio must:

- ✓ Request the total transfer of the domain name portfolio of the outgoing Registrar (free transfer);
- ✓ Be up to date with the payment of all its invoices;
- ✓ Inform the holders of the domain names involved in this transfer of the conditions of the takeover;
- ✓ Require no payments on the part of domain name holders:
  - In the context of this takeover,
  - In the event of early cancellation by the holder's initiative,
  - before the annual renewal date of the holder's domain name.

8. The Registrar taking over the portfolio must complete and sign a transfer deed, which can be downloaded from the AFNIC website.

9. This transfer is not invoiced to the Registrar taking over the portfolio, and must imperatively be performed within fifteen (15) calendar days following the agreement with AFNIC.

10. If the transfer is unsuccessful, AFNIC studies the subsequent request.

11. Requests for transfer are handled on a "first come, first served" basis as determined by the postmark.

12. AFNIC reserves the right not to validate the transfer if the conditions are not all met.

13. Should AFNIC receive transfer requests from multiple Registrars to take over the same portfolio of domain names, AFNIC:

- ✓ Asks the outgoing Registrar which incoming registrar it prefers,
- ✓ Otherwise, chooses the Registrar whose geographical location is closest to that of the outgoing Registrar.

14. This particular procedure is ensured until 30 June 2012.

15. All domain name portfolios not transferred to accredited Registrars will be subject to the “orphan domain name” procedure.

16. In this case, AFNIC will contact all the domain name holders to invite them to choose an accredited Registrar to take over their domain name. This transaction is performed in compliance with the currently applicable Naming Policy.