

Public consultation



Fight against abuse

Detecting registration data in
contravention of the Naming
Policy as soon as the domain
name is created

27 June 2022 – 25 September 2022

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1. Introduction

1.1. The fight against abuse

The .fr domain has been perceived from the outset by its users as a **trusted zone**.

Our approach to **dealing with abuse** has a **threefold objective**:

- to retain **the trust of .fr users** nationwide;
- to **quickly and effectively put an end to the abusive practices of certain holders**, while respecting the rights of each individual and maintaining the necessary neutrality of the registry, both indispensable elements of this trust;
- and to **develop our practices**, in particular by means of innovation, so that **strengthening the fight against abuse is consistent with maintaining the simplicity** and competitiveness of the .fr domain, in a context of heightened competition.

Afnic therefore offers all users of the .fr domain **a comprehensive approach to the fight against abuse**, with preventive and supervisory measures and both judicial and extra-judicial procedures.

* Our annual perception survey shows that nearly 90% of VSEs/SMEs and young people trust the .fr domain (2021 .fr perception survey conducted by MV2).

1.2. Public consultations on .fr projects

For some years now, **Afnic has regularly consulted the Internet community as a whole on any far-reaching projects concerning the .fr domain**.

For example, Afnic has held various public consultations, on the introduction of alternative dispute resolution procedures, the opening for registration in the .fr TLD to domain names with one or two characters, the reform of ICANN, and the supervision of the DNS root.

Today, as part of the process of reflection and debate on how best to define online abuse and what tools to use to combat it, we are **launching a public consultation to elicit contributions from all interested stakeholders**.

2. Detecting holder particulars before the domain name is published in the DNS

This public consultation concerns a project for **detecting particulars of holders** of .fr domain names at the time they are created, before they are published in the DNS, in case they do not comply with the Naming Policy.

This procedure forms part of our overall arrangements for combating online abuse, and contributes more specifically to **our objective of maintaining a database with information that is as correct and precise as possible** to make sure holders are eligible and reachable.

2.1. The context

As part of its responsibilities as registry for the .fr domain, Afnic carries out regular checks on the reachability and eligibility of domain name holders.

As provided by the .fr Naming Policy and the French Postal and Electronic Communications Code, these checks take place **after** registration of the domain name.

The Naming Policy provides that, at the time of registration of a domain name and throughout its life:

- its holder must be **resident in the territory of one of the Member States of the European Union** or of one of the following States: Iceland, Liechtenstein, Norway and Switzerland (EFTA countries);
- its holder is obliged to provide **precise contact details** (telephone number, address and other elements of identification).

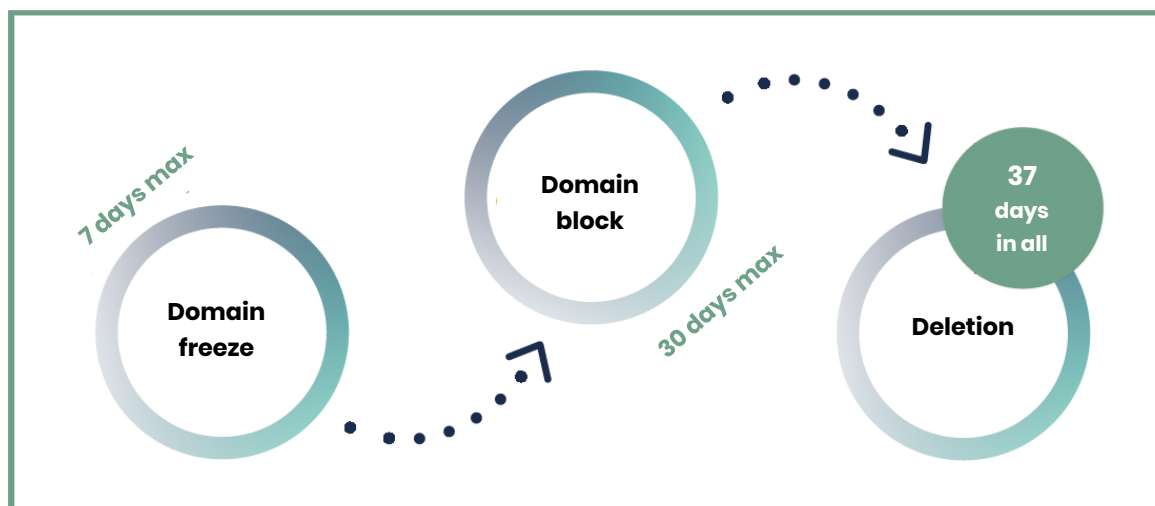
Failure to fulfil these obligations may entail the deletion of all the holder's domain names.

Whether at its **own initiative** or in response to a **justified request** from a third party, Afnic may decide to initiate a procedure known as **justification**. This procedure requires the holder to prove, with the holder's own registrar and/or by any other means (Kbis (Chamber of Commerce extract), copy of an official identity document, copy of proof of domicile, etc.), that the particulars provided at the time of registering the domain name are correct and precise and meet the eligibility criteria of the .fr TLD.

When this procedure is initiated, the domain name is frozen for a period of seven days. If, at the end of this period, the requested evidentiary documents have not been provided, Afnic

then blocks the domain name for up to 30 days, and definitively deletes it if no evidentiary documentation is provided within that time.

Chronologie de la vérification des données titulaire



In 2021, these **justification** procedures led to the **deletion of 78.7% of the domain names concerned**.

2.2. Description of the project

The objective of the project is to identify, as soon as a domain name is created, and before it is published in the DNS, the particulars of holders who do not comply with the eligibility criteria of the .fr Naming Policy.

From the outset, we decided to retain the objective criterion of holder eligibility, this being the main criterion for accessibility to the .fr TLD.

Indeed, the creation of a .fr domain name by a holder that is **not resident in the EU manifestly** contravenes the terms of the Naming Policy.

We therefore propose to put in place a procedure allowing us to detect these domain names as soon as they are created, before they are published in the DNS.

This procedure will allow us to probe all .fr domain name create operations and to **automatically** identify those for which the holders have given the **country code** of a **country outside the EU and EFTA**.

When we detect a domain name for which the holder's particulars correspond to this category, the domain name will be registered but not published in the DNS.

This means the domain name is registered in the name of its holder but its publication in the DNS is suspended. This being so, the services associated with the domain name, such as the website, email address, etc., are not, de facto, operational.

A **justification** procedure will then be initiated and applied in the following manner:

1. Blocking of the domain name for a period of 30 days: although registered and belonging to its holder, the domain name is not published and is therefore not technically operational;
2. Notification of the opening of the procedure to the registrar and the holder of the domain name concerned;
3. Once the domain name has been blocked, there are several possible scenarios:
 - 3.1 the holder requests authorisation, via the holder's registrar, to **delete** the domain name;
 - 3.2 the holder requests authorisation, via the holder's registrar, to **update the holder's particulars**, providing the necessary evidentiary documentation;
 - 3.3 If neither the holder nor the holder's registrar responds, or if they fail to update the holder's particulars, Afnic will **delete** the domain name once the time allowed for the justification procedure has elapsed.

In all cases, except for deletion of the domain name during the five (5)-day grace period from its creation, the domain name create operation will be invoiced.

2.3. Next steps in the project

Following the launch and an initial period of observation reserved to the automatic detection of registrations carried out by ineligible (non-EU) holders, Afnic will seek feedback from its registrars and from users of the .fr TLD, relying on the Consultative Committees.

Following this phase, if the arrangements prove satisfactory, they will be gradually extended to the detection of other aspects of holder particulars indicating non-compliance with the Naming Policy, such as implausible data, unreachable holders, etc.

The principle of developing these criteria and widening the scope of the system will be discussed in the Afnic Consultative Committees, the priority being at all times to keep the procedure for registering domain names simple, effective and undemanding, targeting only domain names with a high risk of abusive practices.

3. Arrangements for the public consultation

3.1. Your contributions

You can convey your contributions and comments on this project up until **25 September 2022** by connecting to the following address: <https://www.afnic.fr/en/observatory-and-resources/public-consultations/public-consultation-fight-against-abuse-detecting-registration-data/>.

In this form, you will be asked to provide certain elements of identification that will enable us to take better account of your contribution, which will be anonymised in the summary report that we will publish following this public consultation.

Lastly, if you wish to discuss the .fr projects for combating online abuse in greater depth, we invite you to join us at the next Afnic Legal Encounters, to be held on 6 October 2022.

3.2. Additional resources

- **Naming Policy**
- **Policy on publication and access to information and .fr domain names registration systems**
- **Articles 45-1 ff. of the French Postal and Electronic Communications Code**
- **Guide to procedures for registrars**

3.3. Glossary

Blocking of a domain name

The blocking of a domain name prevents any future requests for operations involving the domain name. This operation renders the domain name non-operational, meaning that the website, email addresses, etc. will not work.

Registrar

A registrar is an organisation (ISP, website host, Internet service provider, etc.) which registers and hosts domain names as a fee-paying service for the resource managers (referred to as registries) by which the registrar has been accredited.

CPCE

French Postal and Electronic Communications Code. Article L45 of this Code provides the legislative frame of reference for the DNS in France.

DNS

Domain Name System, a distributed database used to register Internet resources (computer, router, etc.) as a domain name (e.g. afnic.fr) and to allocate them an IP address. The Internet protocol thus converts domain names into the IP numbers of machines connected to the Internet. The DNS is a hierarchical and distributed organisation, with a system of delegations starting out from the root of the Internet and branching out to TLD registries, such as Afnic is currently for the “.fr” TLD.

Grace period

Period of five days following a domain name create operation during which this domain name can be deleted. A credit note will be issued to the registrar for this operation.

Holder

The natural or legal person at whose behest the domain name was registered and is maintained. Pursuant to the French Postal and Electronic Communications Code, domain names are registered and renewed on the basis of declarations made by the applicant and under said applicant’s responsibility. The same applies to the use and exploitation of a domain name, which is the sole responsibility of its holder.

WHOIS

WHOIS is a search engine specific to domain name databases. Also known as the WHOIS Directory, it is made available by the registry (the TLD manager) and publishes the contacts associated with domain names, in compliance with the rules on the protection of personal data.