

Afnic Rules of Procedure



Voted by the Board of Trustees on 09/01/2025

Entry into force on 09/01/2025

The Afnic Rules of Procedure are divided into two distinct sections:

CHAPTER 1:

RULES OF PROCEDURE FOR ASSOCIATION MEMBERS

This chapter specifies the procedures for applying the Articles of Association pursuant to Article 20 thereof.

CHAPTER 2

RULES OF PROCEDURE FOR ALTERNATIVE DISPUTE RESOLUTION

This chapter describes the dispute resolution system provided for in Article L.45-6 of the French Electronic Communications and Telecommunications Act (CPCE). In accordance with these provisions, it was approved by Order No. EINI1605510A dated 14 March 2016.

ANNEXES:

Code of Ethics and Professional Conduct

Declaration of interests of trustees

CHAPTER 1:

RULES OF PROCEDURE FOR ASSOCIATION MEMBERS

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Preamble

The Articles of Association of the Association Française pour le Nommage Internet en Coopération (Afnic), created and published in the Official Journal of the French Republic respectively on 3 and 20 December 1997, provide (Article 21) that "Rules of Procedure are drawn up and amended freely by the Board of Trustees to define procedures for implementing these Articles of Association", and that these "Rules of Procedure are binding on all the Association's members".

The present Rules of Procedure differ from those applicable to personnel in force on the date of adoption of these Rules of Procedure.

For that reason, the following provisions have been adopted:

Article 1. - Purpose

The purpose of these Rules of Procedure is to define, supplement or clarify the procedures necessary for the operation of the Association Française pour le Nommage Internet en Coopération (hereinafter referred to as "Afnic"), as stated in particular in its Articles of Association, on the one hand, and in the contractual documents governing relations between Afnic and third parties on the other.

The annexes comprise the Code of Ethics and Professional Conduct for trustees, as well as the declaration of interests of trustees, which are an integral part of these Rules of Procedure.

Article 2. - Organizational chart and operation of the Association

2.1. Board of Trustees

2.1.1. Composition

The Board of Trustees consists of appointed members and elected members called "trustees". Its Chair is elected in accordance with Article 10 of the Afnic Articles of Association.

2.1.2. Renewal

The terms of office of elected members are renewed by a vote of the General Meeting as described in Article 2.3.2.d/ below.

When the General Meeting has been unable to proceed with the election of new members before the expiry of their term, this is automatically extended until the date of the next General Meeting.

The appointment of a new representative of a founding member (appointed member) is formalised in the form of receipt by Afnic of a letter appointing the new trustee.

All candidates for the position of trustee must fulfil the admissibility requirements specified in Article 11 of the Articles of Association.

2.1.3. Chair

The Chair is elected by a vote by a simple majority of Board members present or represented at a Board meeting. This election can only take place during an in-person meeting of the Board of Trustees.

In the absence or incapacity of the Chair, the Board appoints an acting chairperson from among the representatives appointed by the French National Institute for Research in Digital Science and Technology (INRIA).

The Chair monitors the diligence of trustees. Regarding compensation of elected trustees, after verification of attendance sheets, it may be decided to:

- ✓ withhold 20% of the amount to be paid at the end of the quarter in the event of unexcused absence and not having assigned power of representation at one of the quarterly meetings.
- ✓ withdraw quarterly payments in the event of unexcused absence and not having assigned power of representation at two or more of the quarterly meetings.
- ✓ The Chair shall justify any decision to reduce or withdraw compensation of a trustee. The Chair's decision is final.

2.1.4. Meeting notice

A pre-notification containing the proposed agenda, is sent by email to the trustees at least two weeks before the date of the Board meeting.

The notice itself is sent to the trustees by email at least one week before the date of the Board meeting.

The various statements and documents necessary for the deliberations are attached to the notice or, alternatively, handed out to trustees at the beginning of the session.

In accordance with Article 11.1 of the Articles of Association, in the event that a meeting of the Board of Trustees has been validly called before the General Meeting at which trustees are elected, trustees whose terms of office have not been renewed may participate validly in said Board meeting.

The trustees elected by this General Meeting shall be invited by the Chair to attend the Board meeting in a consultative capacity.

2.1.5. Operation

Legal person members of the Association may be represented by representatives who are not members of the Board.

- ✓ In the absence of a representative of an elected legal person member, the legal person shall provide for a replacement within two months through an explanatory letter sent to the Chair of the Association.

The majority required is a simple majority, in which the votes in favour outnumber those against. A majority of abstentions shall result in a second vote. For the second vote, the majority will be determined between votes in favour and votes against, regardless of the number of abstentions.

2.1.5.a/ In-person meetings of the Board

An attendance sheet is signed by each member present, who must also initial the sheet next to the name of the absent member for whom they have been given power of representation.

Voting in Board meetings is by show of hands for all decisions, including the election of the Chair of the Board, unless the Board itself decides that a secret ballot is needed.

2.1.5.b/ Other Board meeting arrangements

When the meeting of the Board is held entirely remotely through a conference call or a web-based meeting tool, participating members or invited third parties confirm their attendance by means of a roll call conducted at the start of the meeting or by clear identification when connecting to the tool.

The Chair may authorise trustees or third parties to participate remotely in the Board meeting by any means of communication whatsoever; the parties concerned confirm their presence by means of a roll call conducted at the start of the meeting or by clear identification when connecting to the tool.

The attendance sheet provided for under Article 2.1.5.a/ of these Rules of Procedure is filled in for remote participants by the recording secretary based on the roll call or identification in the web-based meeting tool; a screenshot may be attached in this case.

The means of communication used must meet technical specifications guaranteeing effective participation in the Board meeting. Afnic's General Management is responsible for the material organisation, including sending connection procedures to trustees.

2.1.5.c/ Electronic votes of the Board

On certain urgent issues, the Board may need to express its opinion electronically on request of the Chair. In this case, a delay in the vote of at least eight days is required after sending of the documentation electronically.

2.1.5.d/ Compensation paid to elected trustees

In accordance with Article 14 of the Articles of Association, elected trustees may receive compensation. Afnic shall send a letter to the trustees concerned by this potential compensation, who must confirm their wish to receive said compensation by written response.

The maximum annual budget put to vote at the General Meeting for compensation of elected trustees is distributed, subject to diligence, between the elected trustees, none of whom may be allocated more than one-fifth of this budget.

Payment arrangements:

- ✓ Annual compensation is paid quarterly in 4 equal amounts.
- ✓ Payment is automatically made at the end of the quarter, unless the Chair decides otherwise (in accordance with the diligence obligation indicated in the Articles of Association).
- ✓ The trustees concerned shall make arrangements to pay any taxes and social contributions due on this compensation.

2.1.6. Summary of decisions and minutes

The summary of decisions is emailed to the trustees for approval. If no written remark is received from any trustee within a maximum period of fifteen days, the summary is approved.

Once approved, the summary of decisions is made available online on the Association's website.

The minutes contain the following:

- ✓ the date and time of the meeting;
- ✓ the method of convening the meeting;
- ✓ the agenda;
- ✓ a list of the members present;
- ✓ a list of any documents and reports submitted for discussion;
- ✓ a summary of the proceedings;
- ✓ the decisions.

Approval of the minutes is the first item of the agenda of the following meeting of the Board of Trustees.

2.1.7. Board Committees

By decision of the Board, thematic committees are set up to help trustees in their decision-making on issues affecting the life of the Association. The committees consist of at least three volunteer trustees. The committees meet as needed, whether in-person or remotely, at the request of the trustees or further to a proposal from the Association's General Management. Other trustees of the Association, employees and external experts may be invited to attend these meetings.

The trustee members of each committee are responsible, within the scope of their remit, for organising discussions and providing enlightened insight, advice and guidance to the members of the Board in order to facilitate decision-making.

The list of committees indicated below is not exhaustive.

2.1.7.a/ Commitment Committee

The committee is responsible for:

- ✓ Identifying any proposed purchase for an amount exceeding the threshold of the formalised procedure for public procurement of goods and services, before the publication of calls for tenders;
- ✓ Identifying, for this type of purchase, the result of the contractor selection process, before notification;
- ✓ Making recommendations to the Chairperson, after reviewing the purchase file and the presentation report, for purchases exceeding €500,000;
- ✓ Approving the information forwarded to the State for contracts or subcontracts linked to the .fr information system and in excess of €500,000, in accordance with Article 15 of the State-Afnic Agreement;
- ✓ Expediting internal audits on the purchasing process in case of doubt regarding the presence of possible irregularities therewith.

A trustee may be appointed by the Board as Chair of this committee.

2.1.7.b/ Finance and Risk Management Committee

The tasks of the Finance and Risk Management Committee include monitoring and analysing financial documents; examining the suitability of the chosen accounting methods and their correct application; and monitoring the proper implementation of internal procedures for the collection and control of accounting data.

The Finance and Risk Management Committee also identifies and monitors the major risks affecting the Association and ensures that means have been put in place to monitor and control these risks.

A trustee may be appointed by the Board as Chair of this committee.

2.1.7.c/ Registry Policy Committee

The purpose of the Registry Policy Committee is to examine existing policies and propose any changes; to identify work priorities; to ensure compliance with any consultation process required prior to any vote by the Board of Trustees; to ensure integration of the interests and needs of the Internet community within Registry Policies; and to analyse and comment on preliminary draft and draft registry policies.

A trustee may be appointed by the Board as Chair of this committee.

2.1.7.d/ Appointment Committee

The purpose of the Appointment Committee is to:

- ✓ update and submit to the Board a business continuity plan in case of unavailability or change of CEO;
- ✓ propose to the Board one or more candidates for the position of CEO, where necessary;
- ✓ review, at least once a year, trustees' declarations of interests and, if necessary, propose measures to the Chair should a conflict of interest be found to exist;
- ✓ analyse draft decisions on remuneration policies and company agreements prior to information of the Board;
- ✓ analyse and put forward collective targets for the Management Committee;
- ✓ monitor, in conjunction with the CEO, changes to the major risks affecting human resources.

The Appointment Committee is chaired by the Chair of the Board.

2.1.8. Admission of new members by the Board of Trustees

In accordance with Articles 6 (Membership) and 15 (Management) of the Articles of Association, the Board of Trustees has the power to refuse membership within two months of receipt of payment by Afnic's departments of the new member's membership fees.

The CEO examines the candidates' application files and, if necessary, submits to the Board, electronically, the new applications for membership which they recommend should be refused, and the grounds for said refusal.

For an application to be subject to a proposed refusal, the CEO must ensure that it falls within one of the following categories:

- ✓ the applicant, through their activities, public statements, or criminal convictions of common knowledge, represents a serious risk to the Association's public image.

- ✓ The applicant is a direct competitor of Afnic and their membership is primarily motivated by the desire to recruit members or customers on their own behalf from within the Association.
- ✓ The applicant and Afnic have been on opposing sides in a lawsuit prior to the application for membership.
- ✓ The applicant for membership of Afnic's International College is from a country from which several representatives are already members, and/or is an organisation with no connection to domain names.
- ✓ The applicant has a connection with Afnic within the meaning of French labour law.

2.2. Management and other personnel

Afnic personnel are required to keep confidential any information brought to their knowledge as part of their duties and which is not explicitly intended to be brought to the knowledge of third parties.

2.3. General Meeting sessions

2.3.1. Meeting notice

The Chair of the Association may delegate to the CEO the sending out of notices for the General Meeting. This formality is carried out by email within the deadlines specified in the Articles of Association.

To ensure the broadest attendance possible at the meeting, the date of the meeting is also announced within the same deadlines on the Association's website at the following address: <https://www.afnic.fr>.

The notice specifies the place, date and time of the meeting. It also indicates the agenda set by the Board of Trustees.

2.3.2. Conduct of meetings

2.3.2.a/ Access conditions

All members of the Association have the right to attend the General Meeting, regardless of whether or not they have voting rights.

The General Meeting may be held entirely in the form of in-person meetings or in the form of a meeting combining the possibilities of in-person and remote attendance.

The means of communication used must meet technical specifications guaranteeing effective participation in the meeting. Afnic's General Management is responsible for the material organisation, including sending connection procedures to members.

Each member attending the meeting in person must sign an attendance list indicating their surname, first name and capacity, and for representatives of legal person members, the name of the entity they represent.

When the General Meeting is held partially or entirely remotely through a conference call or a web-based meeting tool, participating members or invited third parties confirm their attendance by means of a roll call conducted at the start of the meeting or by clear identification when connecting to the tool.

The attendance sheet is filled in for remote participants by the recording secretary based on the roll call or identification in the web-based meeting tool; a screenshot may be attached in this case.

Up to two participants from the same legal person member of the Association may attend the meeting. However, only the authorised representative of the legal person convened in compliance with the provisions set out in Article 2.3.1. above may participate in the discussions and take part in a vote.

At the beginning of each session, the Assembly members appoint a scrutineer and a recording secretary by show of hands.

2.3.2.b/ Voting

In accordance with Article 6 of the Articles of Association, members acquire the right to vote in the General Meeting after six months of membership subject to compliance with the procedures described in Article 11 of the Articles of Association and in these Rules of Procedure.

- **Proxy Voting**

Proxy voting is authorised, however each member present may only hold two nominative powers of representation in addition to their own.

The authorisation must be in writing, signed by the represented person and indicate the nature, place and date of the meeting.

- **Voting by post / electronically**

In certain cases, Afnic may organise online voting or voting by post in accordance with the following procedures:

- ✓ By submitting a form: only postal voting forms correctly filled in and received by the Association (by post or email) at least three days before the meeting of the General Meeting will be taken into account; postal voting forms are available on the website reserved for Afnic members.
- ✓ Afnic may organise online voting. The documents shall be published on the dedicated members' website or sent by email. The persons entitled to vote in the General Meeting can subsequently log on to the online voting tool put in place by Afnic and vote by following the instructions.

2.3.2.c/ Quorum

There is no quorum requirement, except when amending the Articles of Association or dissolving the Association. In this case, decisions shall be adopted only in accordance with the attendance and majority rules set forth in Articles 22 and 23 of the Articles of Association. If a second notice is required for the adoption of one of the proceedings referred to in Articles 22 and 23 of the Articles of Association, the list of invited members is identical to that of the first meeting notice.

2.3.2.d/ Election of members of the Board of Trustees

Candidacies for the election of members of the Board must be addressed to Afnic at least six weeks before the date of the General Meeting.

These candidacies consist of:

- ✓ information enabling the identification of the candidate member,
- ✓ a manifesto,
- ✓ a declaration of interests.

Once their admissibility has been verified, the candidacies are published on the website reserved for Afnic members, or by any other mean, at least fifteen days before the date of the General Meeting.

Only complete candidacies shall be published and declared admissible.

Representatives of registrar members, user members (legal and natural persons) and international correspondent members are elected by secret ballot.

For the election of their representatives, only members of the relevant college shall vote. Each participant in the vote shall sign the attendance sheet next to their name (or that of the legal person they represent) and, if applicable, that or those of the represented persons.

- ✓ In colleges where voters choose a single candidate, only one ballot shall be inserted in the envelope (or no ballot in the case of a blank vote).

- ✓ In colleges where voters choose two candidates, two separate ballots shall be inserted in the envelope (or one ballot, or no ballot); two ballots for one candidate in the same envelope will be considered invalid.

Only candidates having obtained an absolute majority of the votes of the members present or represented shall be elected in the first round. When a second round is necessary, only candidates who receive more than 10% of the votes, or more than 5% of the votes if there are more than ten candidates, shall proceed to the second round. The candidate(s) receiving the greatest number of votes in the college concerned is/are declared elected.

If a tie remains after two consecutive votes, the seat is filled by drawing lots.

Afnic's General Management is responsible for the material organisation of elections. It ensures the smooth procedure of each vote, in particular by providing each member college with the necessary material means (a room, a list of persons entitled to vote in accordance with the provisions of Article 2.3.2. of these Rules of Procedure, and a scrutineer).

Afnic may organise elections in the form of an online vote in accordance with the principle of a secret ballot.

2.3.2.e/ Other provisions

Voting shall only take place by secret ballot in the case referred to in paragraph 2.3.2.d of these Rules of Procedure, unless the Meeting decides otherwise.

Participants acting simultaneously in their capacity as representatives of a legal person member and natural person member of the Association, subject to being up to date in the payment of the amount of each of their statutory membership fees on the date they are due, shall have a maximum of two votes and two powers of representation.

The majority required is a simple (or relative) majority, in which the votes in favour outnumber those against, except in the case of the amendment of the Articles of Association or dissolution of the Association, for which the required majority is as laid down in Articles 22 and 23 of the Articles of Association.

A majority of blank votes shall result in a second vote. For the second vote, the majority will be determined between votes in favour and votes against, regardless of the number of blank votes, except in the case of the amendment of the Articles of Association or dissolution of the Association, for which the required majority is as laid down in Articles 22 and 23 of the Articles of Association.

2.3.3. Minutes

The minutes shall include the following:

- ✓ the date and time of the meeting;

- ✓ the method of convening the meeting;
- ✓ the agenda;
- ✓ a list of the members present and represented, indicating the college to which they belong;
- ✓ a list of any documents and reports submitted for discussion;
- ✓ a summary of the proceedings;
- ✓ the resolutions put to the vote;
- ✓ the results of the vote.

The minutes are sent to the members of the Assembly within a maximum period of two months from the date of the meeting. If no written remark is received from any member within a maximum period of fifteen days, the proposal is approved.

Once approved, the minutes are made available online on the Association's website.

2.4. Consultative bodies

2.4.1. Purposes

The "registrar" and "user" consultative committees, as well as the "International College", are consultative bodies convened to discuss the guidelines and/or proposals for change in the Association's structure and functioning. Their purpose is to provide advice from professionals, network users and personalities from within the Francophone community before any decision is taken by the deliberative bodies that is likely to have a major impact on the operation of the Internet within the field of Afnic's competence, on the activity of the Association's members, or on the international impact of its actions.

2.4.2. Organisation

Meetings of the consultative bodies may be held entirely in the form of in-person meetings or in the form of meetings combining the possibilities of in-person and remote attendance.

The means of communication used must meet technical specifications guaranteeing effective participation in the meeting. Afnic's General Management is responsible for the material organisation, including sending connection procedures to members.

Each member attending the meeting in person must sign an attendance list indicating their surname, first name and capacity, and for representatives of legal person members, the name of the entity they represent.

When the meeting is held partially or entirely remotely through a conference call or a web-based meeting tool, participating members or invited third parties confirm their attendance by

means of a roll call conducted at the start of the meeting or by clear identification when connecting to the tool. The recording secretary completes the attendance sheet on their behalf.

At most two representatives of each legal person member are entitled to attend meetings of the entity they represent.

2.4.3. Functioning

Afnic's General Management is responsible for the regular meeting schedule and smooth functioning of the consultative bodies. To this end, it acts as secretariat, the duties of which include in particular the preparation of the meeting notices, preparation of the agenda and forwarding of committee positions to the Board of Trustees.

2.4.3.a/ Notice and agenda

The draft agenda of each body is attached to the meeting notice sent to all members at least two weeks before the date of the meeting.

The notices are sent via email and announced on the dedicated Afnic members' website. In addition to ex officio members, Afnic personnel may be invited by the CEO to attend meetings of the different committees.

2.4.3.b/ Proceedings

The meetings of the consultative bodies are coordinated by the representatives of the members of the college concerned, elected to the Afnic Board of Trustees.

Proposals are adopted by show of hands. At the request of the meeting moderator or Afnic's General Management, they may be subject to a vote by simple majority.

Minutes are made available to members. If no written remark is received from any member within a maximum period of fifteen days, the minutes are approved and published on the Association's website.

In the case of consultation (by email or other means) of all the members of a consultative body on the text of a resolution, the responses are sent by email or through the online voting tool put in place by Afnic.

Only one representative per legal person member is authorised to comment on the content of a resolution. The delay for comment submission is defined when the consultation is sent out, but cannot be less than eight (8) days.

The CEO or any other person authorised by the Association notifies all of rights-holders of the outcome of the consultation by email.

The Board of Trustees is informed of the results of committee consultations before proceeding with a vote, if necessary.

2.5. Scientific Council

2.5.1. Functioning

Afnic's General Management is responsible for the regular meeting schedule and smooth functioning of the Scientific Council. To this end, it acts as secretariat, the duties of which include in particular the preparation of the meetings and agenda in consultation with the Chair of the Scientific Council.

Meeting notices are sent out by email. In addition to ex officio members, Afnic personnel may be invited to attend meetings.

The meetings are coordinated by the Chair of the Scientific Council.

In the event of proposals to be adopted, voting is by show of hands with a simple majority. A summary of decisions is then drawn up and sent to the members of the Scientific Council. If no written remark is received from any member within a maximum period of fifteen days, the proposal is approved.

The Board of Trustees is informed of the results of the Scientific Council's consultations that it has requested before proceeding to a vote, if necessary.

Article 3. - Other provisions

3.1. Changes in procedures

Developments affecting the Internet can lead to changes in the Naming Policy as well as in naming procedures and related contractual clauses. Afnic is therefore required to amend the content of the Naming Policy and naming procedures, making extensive use of email and updating the documents presented online on its website.

Given their activities, members of the Association recognise the right of Afnic's General Management to make extensive use of consultation procedures via email and its website, as well as the legally valid nature of any such consultations.

3.2. Dispute resolution

Afnic members agree to attempt to resolve amicably or by mediation any dispute which may arise either between the Association and one or more of its members, or among members. Otherwise the dispute will be referred to the relevant courts of Versailles, France.

Article 4. - Discipline

The Chair of the Association has the broadest disciplinary powers to enforce the Association's organisational rules and operating procedures as contained in these Rules of Procedure and the aforementioned provisions in Article 1.

Article 5. - Publication of / amendments to the Rules of Procedure

These Rules of Procedure, adopted by resolution of the Afnic Board meeting of 9 January 2025, in accordance with its Articles of Association, will be brought to the attention of rights-holders via its website.

Drawn up in Guyancourt, 9 January 2025

Godefroy Beauvallet
Afnic Chair

CHAPTER 2:

**RULES OF PROCEDURE FOR
ALTERNATIVE DISPUTE
RESOLUTION**

**SYRELI
PARL EXPERT**

Glossary

"Afnic": *Association Française pour le Nommage Internet en Coopération*, the French Network Information Centre, an association governed by the provisions of the law of 1 July 1901, responsible for allocating and managing domain names for certain French TLDs corresponding to the French territory.

"Infringement of the rights of third parties": Infringement of rights of third parties, in particular in the cases provided for in Article L. 45-2 of the French Electronic Communications and Telecommunications Act (CPCE), when the domain name is:

“Liable to disrupt public order or morality, or the rights guaranteed by the French Constitution or French law;

Liable to infringe intellectual property rights or personal rights, unless the Claimant provides proof of a legitimate interest and is acting in good faith;

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 Claimant provides proof of a legitimate interest and is acting in good faith.”

"Registrar": A technical service provider that has signed a registration contract with Afnic, responsible for handling the requests of its clients (applicants for or holders of domain names).

"Center": The Arbitration and Mediation Center of the World Intellectual Property Organization (WIPO).

"Policy" or "Naming Policy": Document defining the technical and administrative rules for carrying out administration interventions on domain names. The Naming Policy is supplemented by a set of documents (guide to procedures, etc.) and other information which is accessible on Afnic's website or directly from Afnic upon request.

"College": Body consisting of three full Afnic members and two alternate members, responsible for ruling on a dispute concerning a domain name submitted to the SYRELI procedure.

"Committee": Authority consisting of a representative of Afnic and a representative of the Arbitration and Mediation Center, responsible for establishing, maintaining, updating and checking the list of Experts for the PARL EXPERT ADR procedure.

"Agreement": Agreement by and between the French State and Afnic concerning the management of .fr Top-Level Domain names. The Agreement is available on the Afnic website: www.afnic.fr.

"Contact information": All available information such as postal and email addresses, telephone and fax numbers, etc.

"Declaration of Impartiality and Independence": The declaration whereby the Expert accepts a case in compliance with the Rules of Procedure covering PARL EXPERT ADR and undertakes to mediate in an entirely independent, impartial and neutral manner.

"Expert": Person designated to rule on a domain name dispute submitted under the PARL EXPERT ADR procedure.

"Force Majeure": The Parties expressly agree that any event that is irresistible and unforeseeable or the forecast of which does not allow the affected party to prevent its effects, shall be considered as an event of Force Majeure. The following events in particular, but without limitation, are considered to be events of Force Majeure: acts of state, war (declared or not), invasion, rebellion, blockade, sabotage, vandalism, total or partial strike, social conflict external to the party affected by the event of Force Majeure, civil unrest, bad weather, natural disaster, fire, pandemic and/or viral epidemic, blockage of means of transport or supplies, particularly of energy, outages in the supply of electricity, heating or air conditioning, breakdown of telecommunications networks or data transmission, failure of satellites.

"Suspension of operations": Operation consisting in preventing any change to a domain name. This operation does not affect the functioning of the domain name (access to the website, email addresses, etc.).

"Letter of commitment": Letter in which a candidate seeking to obtain or renew the capacity as Expert within the framework of the PARL EXPERT ADR procedure undertakes to comply with the requirements of these Rules of Procedure.

"Domain name": An alphanumeric term consisting of a radical and a top-level domain (TLD) corresponding to an IP address.

"WIPO": World Intellectual Property Organization.

"Parties": The Claimant and the Holder of the domain name in a dispute are referred to as the "Parties" in these Rules of Procedure.

"Procedure or Alternative Dispute Resolution Procedure (ADR)": The alternative dispute resolution procedure governed by these Rules of Procedure, undertaken by the Claimant against a Holder concerning a domain name held by the latter.

"Rules of Procedure": The Rules of Procedure governing the alternative dispute resolution procedures between a Claimant and a Holder concerning a domain name registered with Afnic. The expression is used to individually or collectively designate the SYRELI procedure and/or PARL EXPERT procedure.

"Rapporteur": Person within Afnic responsible for administrative case management.

"Claimant": A natural or legal person having recourse to mediation in order to seek a negotiated solution to a dispute relating to a domain name susceptible of being covered by one of the cases provided in Article L. 45-2. of the French Electronic Communications and Telecommunications Act.

"Deletion": Operation consisting in deleting a domain name from the DNS and the WHOIS database such that the domain name, which is no longer operational, re-enters the public domain and may be registered by a new holder.

"SYRELI": French acronym for the Afnic dispute resolution system (SYstème de REsolution de Litiges).

"Holder": Natural or legal person who has registered one or more domain names and is responsible for the operations thereon.

"Recover": The domain name recover procedure implies that the new holder 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.

PART I: SYRELI Rules of Procedure

I. General

i. Communications and time frames

All exchanges between the Parties and Afnic under the Procedure as specified by these Rules of Procedure must be sent in writing to the email address and/or postal addresses indicated:

- ✓ by the Claimant in its claim;
- ✓ by the Holder upon registration of the domain name and as contained in the Afnic Whois database on the opening day of the Procedure (Article (II) (iv)).

No meeting or meetings in person (including by telephone conference, video or Internet) are possible.

All exchanges between Afnic and either one of the Parties shall also be sent to the other Party.

All the exchanges provided for in these Rules of Procedure are deemed to date from the email dispatch.

Except in cases of Force Majeure, Afnic and the Parties are required to meet the deadlines specified in these Rules of Procedure.

ii. Compliance with the Rules of Procedure

These Rules of Procedure are binding upon Afnic and the Parties, who undertake to comply therewith.

Non-compliance with these Rules of Procedure may incur the liability of the defaulting Party.

iii. Purpose of the Procedure

The measures that can be sought and obtained by the Claimant as part of the Procedure are limited exclusively to the Transfer of the domain name to the benefit of the Claimant, or the Deletion of the domain name(s) in dispute.

The Procedure is not designed to award damages to the Complainant.

iv. Language of the Procedure

These Rules of Procedure are written in French and English. The Procedure will be conducted in French.

If documents produced are not in French, the Party concerned must produce a certified translation by a sworn translator.

The College reserves the right not to consider documents submitted in languages other than the language of the Procedure if the requested translation is not provided, is incomplete, or is invalid.

v. Judicial or extra-judicial proceedings

The Claimant certifies to the best of its knowledge that no judicial or extra-judicial proceedings concerning the domain name in dispute are under way at the time of its claim.

Should it be brought to the Claimant's knowledge that judicial or extra-judicial proceedings involving the domain name in dispute are under way, it must immediately inform Afnic thereof.

Both ADR procedures are alternative and mutually exclusive.

vi. Costs of the Procedure

The Claimant bears the costs of the Procedure.

Afnic is not held to take action until it has received full payment of the agreed fee. No reimbursement is made by Afnic of any payments received apart from those explicitly provided for, whatever the outcome of the Procedure.

Financial details are available on the dedicated ADR page on Afnic's website (www.afnic.fr).

vii. Liability

Except in cases of gross negligence or wilful misconduct, Afnic shall be exonerated from any liability towards the Parties for any acts or omissions relating to the Rules of Procedure.

II. Conduct of the Procedure

i. Opening and duration of the Procedure

The Procedure is opened on receipt of the complete claim submitted to Afnic in electronic form. The claim must be accompanied by the documents that the Claimant wishes to use in

support of its claim. The size of the file (statements and documents) of each Party is limited in the terms defined on the electronic platform.

As of the date of commencement of proceedings, the College shall rule on the case within two (2) calendar months. The Claimant may at any time terminate the Procedure after informing the College of the same. In such cases, the suspension affecting the domain name involved in the dispute is waived.

ii. Completeness of the claim

Petitions to resolve disputes are managed by an Afnic Rapporteur who has the skills and experience required to ensure the proceedings are properly carried out.

If the claim is incomplete, the Rapporteur shall inform the Claimant of the missing items electronically within fifteen (15) calendar days of the request. The Rapporteur shall request that the Claimant produce the missing items within seven (7) calendar days.

Once the Rapporteur finds the claim is complete, they shall inform the Claimant by electronic means of the opening of proceedings, specifying that from the date of opening Afnic has a period of two (2) calendar months in which to rule.

The claim is necessarily declared to be complete if:

- ✓ The request form is duly completed;
- ✓ The costs of the Procedure have been paid by the Claimant;
- ✓ The domain name is registered;
- ✓ The domain name concerned by the Procedure is not the subject of any judicial or extra-judicial proceedings.

The Rapporteur shall ensure that progress of the proceedings is communicated to the Parties.

The Rapporteur is responsible for presenting the claim to the College without carrying out any further research, and for drafting the decision of the College.

Should the claim not be completed within the deadlines and under the conditions specified in this Article, the claim shall be rejected

The Claimant is free to file a new claim and provide new evidence.

iii. Suspension of operations on the domain name

At the opening of the Procedure, the Rapporteur suspends all operations involving the domain name in dispute for the duration of the Procedure and, if necessary, beyond the duration of the Procedure, in accordance with Article (II) (viii) of these Rules of Procedure.

Operations on a domain name are suspended in accordance with the terms of the **Naming Policy**.

iv. Notification to the Holder of the opening of the Procedure

As soon as the Claimant has been informed that the claim is complete, the Rapporteur shall also notify the Holder by email and by post of the opening of the Procedure, specifying:

- ✓ that as of this opening, Afnic has a period of two (2) calendar months in which to rule;
- ✓ that operations on the domain name have been suspended;
- ✓ that the statements and documents produced the Claimant are available from the Rapporteur by electronic means only.

The Rapporteur shall also inform the Registrar with which the domain name was registered by electronic means.

v. Reply from Holder

The Holder has a period of twenty-one (21) calendar days from the date of notification of the Procedure to send a reply by electronic means to Afnic.

In order to be complete, the reply must use the reply form duly filled in for the domain name in dispute.

Up until the expiry of the twenty-one-day (21) period, the Holder is entitled to add statements and documents to its reply.

The Holder's reply can be consulted by the Claimant on the electronic platform.

vi. Decision

a. Composition of the College

The College consists of three full members, appointed by the Afnic Board of Trustees from among Afnic's employees for their legal expertise, their knowledge of domain name market practices and their experience, all of which are required to ensure the proper handling of disputes as referred to in the French Electronic Communications and Telecommunications Act (CPCE).

The Afnic Board of Trustees may, in all circumstances, dismiss one or more members and replace them.

The Afnic Board of Trustees also appoints three alternate members, under the same conditions as the full members, who shall attend the meetings of the College should any of the full members be absent.

Decisions are taken by majority vote of the members of the College present and rendered by the CEO on behalf of Afnic.

b. Functioning of the College

For each case submitted by the Rapporteur during a hearing, the College is required to assess:

- ✓ the Claimant's standing,
- ✓ whether the domain name involved in the dispute is:
 - 1) "Liable to disrupt public order or morality, or the rights guaranteed by the French Constitution or French law;
 - 2) Liable to infringe intellectual property rights or personal rights, unless the Claimant provides proof of a legitimate interest and is acting in good faith;
 - 3) 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 Claimant provides proof of a legitimate interest and is acting in good faith."

The College rules on the case exclusively in light of the statements and documents submitted by both Parties without conducting further research, in accordance with these Rules of Procedure, and as provided for in the French Electronic Communications and Telecommunications Act.

If necessary, the College takes into account the occurrence of Force Majeure in its deliberations.

The College shall reach a decision within twenty-one (21) calendar days from expiry of the response period to which the Holder is entitled.

Depending on the remedial measure sought by the Claimant, the College may order the Transfer of the domain name to the Claimant, the Deletion of the domain name, or reject the claim.

Should the Holder accept the remedial measure sought by the Claimant, the College acknowledges the Holder's decision at the date of expiry of the response period to which the Holder is entitled. The decision is immediately enforceable.

The College's decision shall be substantiated in writing, and shall indicate the date on which it was made.

If the decision is not in favour of the Claimant, the latter is free to file a new claim and provide new evidence.

vii. Notification of decision

The Rapporteur shall notify each Party of the decision by email and by post.

The Rapporteur shall forward the decision by electronic means to the Registrar with which the domain name was registered.

viii. Implementation of the decision

The College's decision is only implemented once the deadline of fifteen (15) calendar days from the date of notification of decision to the Parties has lapsed.

Implementation of the decision is suspended if, within the time limit, the Claimant or Holder refers the matter to the court with jurisdiction for the dispute between them and transmits to Afnic a document certifying the existence of the referral (such as a copy of a complaint, file-stamped by the court clerk).

Implementation of the decision shall be suspended until Afnic has received a document certifying:

- ✓ that the aforementioned proceedings are no longer open,
or
- ✓ that a court decision has been handed down in accordance with the terms provided in the Naming Policy.

Until implementation of the decision or the outcome of the legal proceedings commenced in accordance with this Article of the Rules of Procedure, operations involving the domain name remain suspended unless otherwise ordered by a court.

The decision shall be implemented in accordance with the Naming Policy, particularly with regard to Recoveries.

If, within sixty (60) calendar days, the College's decision has not been implemented, Afnic reserves the right to delete the domain name in dispute.

ix. Publication of the decision

The duly substantiated decision is published on the Afnic website (after ensuring personal information has been made anonymous) once the deadline for implementation as provided for in these Rules of Procedure has lapsed.

x. Rules of conduct

All persons involved in the Procedure must consider and treat as strictly confidential all the data and information they have received for the purposes of examining the dispute in question, and use none of the data or information for any purpose other than those specified in these Rules of Procedure.

All the members of the College and the Rapporteur are bound by a duty of neutrality and impartiality with respect to the evidence brought to their knowledge as part of the Procedure, with particular reference to the statements and documents of the Claimant and the Holder of the domain name.

Should a member of the College be subject to a conflict of interest, they shall be replaced by an alternate member.

Should the Rapporteur be subject to a conflict of interest, the administrative management of the Procedure shall be entrusted to another Rapporteur.

The Procedure is not designed to rule on a dispute over a domain name filed by Afnic.

xi. Amendments to the Rules of Procedure of the dispute resolution system (SYRELI)

The SYRELI Rules of Procedure have been approved by order of the French Minister for Electronic Communications.

Any amendment to the Rules of Procedure shall be approved by the Minister.

The applicable version of the Rules of Procedure in a dispute resolution procedure is that which prevailed at the time of filing the claim with Afnic.

PART II: PARL EXPERT Rules of Procedure

I. General

i. Communications and time frames

All exchanges between the Parties, the Arbitration and Mediation Center and Afnic under the Procedure as specified by these Rules of Procedure must be sent in writing to the email address and/or postal addresses indicated:

- ✓ by the Claimant in its claim;
- ✓ by the Holder upon registration of the domain name and as contained in the Afnic Whois database on the opening day of the Procedure (Article (II) (iv) below).

No meeting or meetings in person (including by telephone conference, video or Internet) are possible.

All exchanges between Afnic and/or the Center and either one of the Parties shall also be sent to the other Party.

All the exchanges provided for in these Rules of Procedure are deemed to date from the email dispatch.

Except in cases of Force Majeure, Afnic, the Center, the Expert and the Parties are required to meet the deadlines specified in these Rules of Procedure.

ii. Compliance with the Rules of Procedure

These Rules of Procedure are binding upon Afnic, the Center, the Expert and the Parties, who undertake to comply therewith.

Non-compliance with these Rules of Procedure may incur the liability of the defaulting Party.

iii. Purpose of the Procedure

The measures that can be sought and obtained by the Claimant as part of the Procedure are limited exclusively to the Transfer of the domain name to the benefit of the Claimant, or the Deletion of the domain name(s) in dispute.

The Procedure is not designed to award damages to the Complainant.

iv. Language of the Procedure

These Rules of Procedure are written in French and English. The procedure will be conducted in French.

If the documents produced are not written in French, the Party concerned is to produce a certified translation by a sworn translator.

The Expert reserves the right not to consider documents submitted in languages other than the language of the Procedure if the requested translation is not provided, is incomplete, or is invalid.

v. Judicial or extra-judicial proceedings

The Claimant certifies to the best of its knowledge that no judicial or extra-judicial proceedings concerning the domain name in dispute are under way at the time of its claim.

Should it be brought to the Claimant's knowledge that judicial or extra-judicial proceedings involving the domain name in dispute are under way, it must immediately inform Afnic thereof. Both ADR procedures are alternative and mutually exclusive.

vi. Costs of the Procedure

The Claimant shall bear the costs of the PARL Expert ADR Procedure.

Afnic is not held to take action until the Center has received full payment of the agreed fee.

No reimbursement is made by the Center of any payments received apart from those explicitly provided for, whatever the outcome of the Procedure.

When no Expert is appointed, the Center shall reimburse the Expert's fees paid by the Claimant as set out in the Center's tax and fee scale.

Financial details are available on the ADR homepage and in the Center's tax and fee scale available on its website in the section reserved for this purpose.

vii. Liability

Except in cases of gross negligence or wilful misconduct, Afnic and the Center shall be exonerated from any liability towards the Parties for any acts or omissions relating to the Rules of Procedure.

II. Conduct of the Procedure

i. Opening and duration of the Procedure

The Procedure is opened on receipt of the complete claim submitted to Afnic in electronic form. The claim must be accompanied by the documents that the Claimant wishes to use in support of its claim. The size of the file (statements and documents) of each Party is limited in the terms defined on the electronic platform.

As of the date of commencement of proceedings, Afnic shall rule on the case within two (2) calendar months. The Claimant may at any time terminate the Procedure after informing Afnic of the same. In such cases, the suspension affecting the domain name involved in the dispute is waived.

ii. Completeness of the claim

Petitions to resolve disputes are managed by the Center and by a "Rapporteur" who has the skills and experience required to ensure the proceedings are properly carried out.

If the claim is incomplete, the Center shall inform the Claimant of the missing elements by electronic means, within five (5) calendar days of the request. The Center shall request that the Claimant produce the missing items within five (5) calendar days.

Once the Center finds the claim is complete, it shall inform the Rapporteur who shall notify the Parties by electronic means of the opening of proceedings, specifying that from the date of opening Afnic has a period of two (2) calendar months in which to rule.

The claim is necessarily declared to be complete if:

- ✓ The request form is duly completed;
- ✓ The costs of the Procedure have been paid by the Claimant;
- ✓ The domain name is registered;
- ✓ The domain name concerned by the Procedure is not the subject of any judicial or extra-judicial proceedings.

The Rapporteur shall ensure that progress of the proceedings is communicated to the Parties.

Should the claim not be completed within the deadlines and under the conditions specified in this Article, the claim shall be rejected

The Claimant is free to file a new claim and provide new evidence.

iii. Suspension of operations on the domain name

At the opening of the Procedure, the Rapporteur suspends all operations involving the domain name in dispute for the duration of the Procedure and, if necessary, beyond the duration of the Procedure, in accordance with Article (II) (viii) of these Rules of Procedure.

Operations on a domain name are suspended in accordance with the terms of the **Naming Policy**.

iv. Notification to the Holder of the opening of the Procedure

As soon as the Claimant has been informed that the claim is complete, the Rapporteur shall also notify the Holder by email and by post of the opening of the Procedure, specifying:

- ✓ that as of this opening, Afnic has a period of two (2) calendar months in which to rule;
- ✓ that operations on the domain name have been suspended;
- ✓ that the statements and documents produced the Claimant are available from the Rapporteur by electronic means only.

The Rapporteur shall also inform the Registrar with which the domain name was registered by electronic means.

v. Reply from Holder

The Holder has a period of twenty-one (21) calendar days from the date of notification of the Procedure to send a reply by electronic means to Afnic.

In order to be complete, the reply must use the reply form duly filled in for the domain name in dispute.

Up until the expiry of the twenty-one-day (21) period, the Holder is entitled to add statements and documents to its reply.

The Holder's reply can be consulted by the Claimant on the electronic platform.

vi. Decision

a. Appointment of the Expert

For each claim, the Center shall appoint a single Expert from the list of Experts published on the websites of Afnic and the Center, taking into account their availability and the qualifications required in the case in question.

The appointment shall take place within seven (7) calendar days of the deadline for the Holder's reply.

Prior to the appointment of an Expert, the Center shall check with each prospective Expert whether there are facts or circumstances, past or present, or that could arise in the foreseeable future, which could call into question the independence of that Expert in the eyes of one of the Parties to the proceedings. Taking into consideration the timeline for the Procedure, the Center must also check whether the prospective Expert is available to devote the time required to carry out their duties responsibly and within the deadlines required by these Rules of Procedure.

Once this has been checked, the Center shall send the Declaration of Impartiality and Independence to the appointed Expert, on the basis of which the aforementioned Expert accepts the case in respect of these Rules of Procedure.

The Center shall notify the Parties of the name of the Expert selected for the case.

The Center shall send the completed Declaration of Impartiality and Independence signed by the designated Expert to the Rapporteur, who shall add the document to the case file on the electronic platform. The Parties shall be notified of this document and the name of the appointed Expert by email.

b. Case file examination and decision of the Expert

For each case file for which they are responsible, the Expert is required to assess:

- ✓ the Claimant's standing,
- ✓ whether the domain name involved in the dispute is:
 - 1) "Liable to disrupt public order or morality, or the rights guaranteed by the French Constitution or French law;
 - 2) Liable to infringe intellectual property rights or personal rights, unless the Claimant provides proof of a legitimate interest and is acting in good faith;
 - 3) 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 Claimant provides proof of a legitimate interest and is acting in good faith."

The Expert rules on the case exclusively in light of the statements and documents submitted by both Parties without conducting further research, in accordance with these Rules of Procedure, and as provided for in the French Electronic Communications and Telecommunications Act.

If necessary, the Expert takes into account the occurrence of Force Majeure in its deliberations.

The Expert shall return their decision as they deem appropriate in respect of these Rules of Procedure, within twelve (12) calendar days from their appointment.

Depending on the remedial measure sought by the Claimant, the Expert may order the Transfer of the domain name to the Claimant, the Deletion of the domain name, or reject the claim.

Should the Holder accept the remedial measure sought by the Claimant, the Expert acknowledges the Holder's decision at the date of expiry of the response period to which the Holder is entitled. The decision is immediately enforceable.

The decision of the Expert is substantiated in writing.

If the decision is not in favour of the Claimant, the latter is free to file a new claim and provide new evidence.

vii. Notification of decision

On receipt of the Expert's decision, Afnic shall rule on the case on the basis of the Expert's decision and shall notify said decision to the Parties within three (3) calendar days.

The Rapporteur shall notify each Party of the decision by email and by post.

The Rapporteur shall forward the decision by electronic means to the Registrar with which the domain name was registered.

viii. Implementation of the decision

Afnic's decision is only implemented once the deadline of fifteen (15) calendar days from the date of notification of decision to the Parties has lapsed.

Implementation of the decision is suspended if, within the time limit, the Claimant or Holder refers the matter to the court with jurisdiction for the dispute between them and transmits to Afnic a document certifying the existence of the referral (such as a copy of a complaint, file-stamped by the court clerk).

Implementation of the decision shall be suspended until Afnic has received a document certifying:

- ✓ that the aforementioned proceedings are no longer open,
or
- ✓ that a court decision has been handed down in accordance with the terms provided in the Naming Policy.

Until implementation of the decision or the outcome of the legal proceedings commenced in accordance with this Article of the Rules of Procedure, operations involving the domain name remain suspended unless otherwise ordered by a court.

The decision shall be implemented in accordance with the Naming Policy, particularly with regard to Recoveries.

If, within sixty (60) calendar days, Afnic's decision has not been implemented, Afnic reserves the right to delete the domain name in dispute.

ix. Publication of the decision

The duly substantiated decision is published on the website of both Afnic and the Center (after ensuring personal information has been made anonymous) once the deadline for implementation as provided for in these Rules of Procedure has lapsed.

x. Rules of conduct & Selection of Experts

All persons involved in the Procedure must consider and treat as strictly confidential all the data and information they have received for the purposes of examining the dispute in question, and use none of the data or information for any purpose other than those specified in these Rules of Procedure.

The Center, the Expert and Afnic are bound by a duty of neutrality and impartiality with respect to the existence of the claim and the evidence brought to their knowledge as part of the Procedure, with particular reference to the statements and documents of the Claimant and the Holder of the domain name.

Should the Rapporteur be subject to a conflict of interest, the administrative management of the Procedure shall be entrusted to another Rapporteur.

The Procedure is not designed to rule on a dispute over a domain name filed by Afnic or the Center.

xi. List of Experts

The Committee establishes a list of experts selected in a transparent, non-discriminatory and public process, and publishes it on the websites of Afnic and the Center.

The Experts must respect the rules of conduct set out in Article (II) (x.ii) below.

a. Selection criteria

Experts must be qualified lawyers under French law, with a minimum of five (5) years of experience, and maintain this competence through continuing training, particularly in the following legal areas: Intellectual Property Law, Internet Law and Information & Communications Technology Law, Fundamental Rights and Freedoms Law, Administrative Law and Constitutional Law. Experts' skills and qualifications must be such to guarantee that they are able to carry out their duties covered by the relevant article of the French Electronic Communications and Telecommunications Act (CPCE).

Experts must not engage in any activity incompatible with the independence required to carry out their duties.

Experts must not have committed a wrongful act giving rise to disciplinary action within the last three (3) years.

b. Selection procedure

Any individual wishing to become an Expert must send an application to the Committee including a detailed resume and the requisite supporting documentation, a letter of commitment and a letter detailing the applicant's motivations for becoming an Expert (a template resume is available on the Center and Afnic websites).

Applications must be submitted electronically further to calls for applications by Afnic and the Center to the address indicated on the application forms.

As of the date of entry into force of these Rules and Regulation, calls for applications will be held every year on the anniversary date, except in exceptional cases where they may be held to meet the needs of the PARL Expert procedure.

The Committee shall examine each candidate's application independently and verify that the latter meets the requirements, if necessary by contacting the professional bodies cited in the candidate's file.

c. Appointment as an Expert and term

The Committee shall notify each candidate of the grounds for its decision to accept or reject the application. In particular, the competence and experience of the Experts are taken into consideration by the Committee as grounds for its decisions.

Decisions on the acceptance or rejection of applications are taken by the Committee unanimously. Failing unanimity, the application to become an Expert shall not be retained. The Expert may submit a new application when the next call for applications is issued.

The quality of Expert is awarded for a renewable period of three (3) years as of the date of publication of the Expert's appointment on the list. To be renewed, the Expert must submit a substantiated request to the Committee in writing, accompanied by the letter of commitment.

No right of inclusion on the list exists. The Committee may amend the list of Experts at any time.

Should any of the rules of professional conduct set out in Article (II) (x.ii) below be infringed, the Committee may decide to suspend the Expert's functions.

The Committee may withdraw Experts from the list when they are no longer available, or if, during previous dispute proceedings, they regularly failed to meet the deadlines and requirements specified in these Rules of Procedure.

In particular, Experts may be withdrawn from the list by the Committee in the event of infringement of any of the established rules of conduct set out in Article (II) (x.ii) below, and/or in the case of sanctions or disciplinary measures taken against an Expert by a competent professional body.

Decisions to withdraw an Expert from the list are taken by the Committee unanimously. Failing unanimity, the Expert shall remain on the list.

xii. Rules of conduct applicable to Experts

Experts must be impartial and independent. In particular, Experts must have no personal or economic interest in the outcome of the dispute resolution, and must resolve disputes in accordance with the principles of good faith, fairness and due diligence.

Experts must ensure the confidentiality of the information disclosed during these proceedings.

Before their appointment is accepted, the Expert must notify the Center of any point of fact or of law which may result in a contact, connection, community or conflict of interest. If any such point exists, the Center shall not appoint the Expert in question.

For each assignment, the Expert must sign a Declaration of Impartiality and Independence before accepting a new case file.

The Expert must confirm their independence in relation to either Party, Afnic or the Center. They must confirm, in all conscience, that no point of fact or law exists which may result in a contact, connection, community or conflict of interest, past or present, or liable to occur in the near future, with any one of the Parties, pursuant to this Article.

When, during the procedure, new elements emerge that may raise doubts as to the independence of an Expert, the Expert concerned must immediately disclose these to the Center. In such circumstances, the Center has the exclusive authority to appoint a new Expert.

In particular, breaches of rules of conduct include the following:

- ✓ Accepting an assignment when the Expert represents or has represented any one of the Parties within the framework of an ADR procedure after inclusion on the list;
- ✓ Accepting an assignment when the Expert has been previously appointed a dispute-resolution provider within the framework of the proceedings of the Paris Arbitration and Mediation Center (CMAP) for the same dispute;
- ✓ Accepting an assignment when professional secrecy may be violated or when the Expert's independence may be impaired;
- ✓ Not disclosing information concerning representation or conflicts of interest.

xiii. Amendments to the PARL Expert Rules of Procedure

These PARL Expert Rules of Procedure have been approved by order of the French Minister for Electronic Communications.

Any amendment to the Rules of Procedure shall be approved by the Minister.

The applicable version of the Rules of Procedure in a dispute resolution procedure is that which prevailed at the time of filing the claim with Afnic.

Drawn up in Montigny-le-Bretonneux, 14 March 2016.

Afnic Chair