

*Association Rules of
Procedure*

As at April 12th 2018

afnic

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

CHAPTER I: RULES OF PROCEDURE FOR ASSOCIATION MEMBERS

→ This chapter specifies the procedures for applying the Articles of Association pursuant to article 20 of the aforementioned Articles of Association.

CHAPTER II: RULES FOR ALTERNATIVE DISPUTE RESOLUTION PROCEDURES

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

ANNEX:

Code of ethics and professional conduct for trustees

Declaration of interests of trustees

CHAPTER I

RULES OF PROCEDURE FOR ASSOCIATION MEMBERS

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Foreword

The articles of association of the French Network Information Centre (Afnic), which were created and published in the Official Journal of the French Republic respectively on 3 to 20 December 1997, provide (Article 20) that "rules of procedure are established and freely modified by the Board of Trustees to define the implementing rules for the aforementioned articles of association", and that "the rules of procedure apply to all the members of the Association".

The present rules of procedure are different from those applicable to Afnic personnel, adopted on 18 November 1998 and amended on 19 March 2003 and 27 October 2006.

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 French Network Information Centre, (hereinafter referred to as "Afnic"), as included in particular in its articles of association, on the one hand, and in the contractual documents governing relations between Afnic and its partners on the other.

The annex comprises 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. Deleted

Article 3. Organization and operation of the association

3.1. Board of Trustees

3.1.1. 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.

3.1.2. Renewal

The terms of office of elected members are renewed by a vote of the General Meeting as described in article 3.3.3. below.

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

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

Every candidate for the position of trustee must fulfill the admissibility requirements specified in Article 11 of the Articles of Association.

3.1.3. 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 a physical 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 Computer Science and Control (INRIA).

3.1.4. Meeting Notifications

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 actual paper notification is sent to the trustees at least one week before the date of the board meeting.

The various documents and records necessary for the deliberations are attached to the notification or, alternatively, remitted to trustees at the beginning of the session.

3.1.5. Operation

Corporate members of the Association may be represented by proxies who are not members of the board.

- ✓ Should the place of an elected corporate member become vacant, following the disappearance of the structure for whatever reason, that member shall be replaced by the next general meeting. The powers of the new member shall expire on the date on which the term of office of the replaced member would normally expire.
- ✓ In the absence of the representative of a corporate elected member, the corporation provides for his/her replacement within two months by sending an explanatory letter to the Chair of the association.
- ✓ The impact of any merger, demerger, transformation or other corporate changes on the representativeness of the legal entity concerned is left to the discretion of the Board.
- ✓ In case of failure to attend by an elected individual member, the person shall be replaced by the next general meeting. The powers of the new member shall expire on the date on which the term of office of the replaced member would normally expire.

The majority required is a simple majority, in which the favorable votes must outnumber the unfavorable votes. A majority of blank votes will result in a second vote. In this second vote, the majority will be determined by the number of favorable and unfavorable votes, regardless of the number of blank votes.

a) Physical meetings of the Board

An attendance sheet is signed by each member present, who must also sign the sheet next to the name of the absent member for whom s/he has a power of attorney.

The votes of the board are held by secret ballot for the election of the Chair of the board and by show of hands for all other decisions, unless the board decides that a secret ballot is needed.

b) Other Board meeting methods

When the meeting of the Board is held entirely through a conference call, participating members or invited third parties confirm their attendance at the board meeting by sending a standard email, addressed to the Chair and recording secretary. If applicable, they also specify the name of the member for whom they hold a power of attorney.

The various e-mails received constitute the attendance sheet under article 3.1.5.a) of these Rules of Procedure.

The Chair may authorize the trustees or third parties to participate remotely in the Board meeting by any means of communication whatsoever; the parties concerned confirm their presence by sending a standard e-mail to the Chair and recording secretary; the email message will be attached to the attendance sheet under article 3.1.5.a) of these Rules of Procedure.

The means of communication used must meet technical specifications guaranteeing effective participation in the Board meeting. Afnic executive management is responsible for the material organization including sending connection procedures to trustees.

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 the file electronically.

3.1.6. Summary of decisions and minutes

The summary of decisions is e-mailed to the trustees for approval. If no written remark is received from one of them within a maximum period of fifteen days, the summary is approved.

Upon approval, the summary of decisions is made available online on the website of the association.

The minutes contain the following:

- ✓ the date and time of the meeting
- ✓ the method of convening the meeting
- ✓ the agenda
- ✓ the indication of the members present
- ✓ 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 next meeting of the Board of Trustees. The report is published on the website of the association, where appropriate, after deleting any commercial and industrial information, proceedings before the courts or preliminary operations for such proceedings and any other information disclosure of which could jeopardize the security of the services provided.

3.1.7. 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, in face-to-face meeting or remote, at the request of the trustees or further to a proposal from the management of the association. 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 organizing policy options 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.

a) Commitments Committee

It is responsible for:

- ✓ Having knowledge of any proposed purchase for an amount exceeding € 200,000, before the publication of calls for tenders;
- ✓ Having knowledge, for this kind of purchase, of 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 of more than € 500,000;
- ✓ Approving the information forwarded to the State for contracts or subcontracts in excess of € 500,000, in accordance with Article 11 of the State-Afnic Agreement;
- ✓ Expediting internal audits on the Purchasing process.

b) Finance and Risk Management Committee

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

The Finance and Risk Management Committee also identifies and monitors the major risks affecting the association and ensures that the means for monitoring and controlling these risks have been set up.

c) Registry Policy Committee

The purpose of the Registry Policy Committee is to examine the 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 by Registry policies; and to analyze and comment on the preliminary draft and draft registry policies.

d) Appointments committee

The purpose of the Appointments Committee is to maintain and submit to the Board a succession plan in case of change of the CEO; to propose to the Board one or more candidates for the position of CEO, where necessary; to help prevent conflicts of interest; to analyze the draft decisions of the Board on compensation policies and company agreements;

to analyze and propose the collective goals of the Executive committee;

The Finance and Risk Management Committee also identifies and monitors the major risks affecting the association in terms of human resources and ensures that the means for monitoring and controlling these risks have been set up. In this respect it coordinates with the Appointments Committee.

The purpose of the Appointments Committee is as follows:

- ✓ maintain and submit to the Board a succession plan in case of change of CEO;
- ✓ propose to the Board one or more candidates for the position of CEO, where necessary;
- ✓ review, at least once a year, of trustees' declarations of interests and, if necessary, propose measures to the Chair should a conflict of interest be found to exist;
- ✓ analyze the draft decisions of the Board on compensation policies and company agreements;
- ✓ analyze and propose the collective goals of the Executive committee;
- ✓ monitor, in conjunction with the CEO, the changes in the major risks affecting human resources.

The Chair of the Appointments Committee is appointed by the Board of Trustees.

3.1.8 . Admission of new members by the Board of Trustees

In accordance with Articles 6 - Memberships, and 15 - Management of the Articles of Association, the Board has the power to refuse membership within two months of receipt of payment by Afnic services of the new member's membership fees.

The CEO examines the candidates' application files and, if necessary, submits by electronic means to the Board the new applications for membership which s/he recommends should be refused, and the reasons for that refusal.

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

- the applicant, through his/her/its activities, public statements, or criminal convictions of common knowledge, represents a serious risk of being detrimental to the association's public image.
- The applicant is a direct competitor of Afnic and his/her/its membership is primarily motivated by the desire to recruit members or customers on its own behalf from within the association.
- The applicant for the membership of Afnic's international college is from a country in which several representatives are already members, and/or is an organization with no connection to Afnic's business activities.
- The applicant has a connection with Afnic within the meaning of French labor law. Il existe entre le demandeur et l'Afnic un lien de subordination au sens du droit du travail.

3.2. Management personnel and other staff

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

3.3. General meetings

3.3.1. Meeting Notifications

The Chair of the association may delegate to the CEO the sending of notices for the general meeting. This formality is carried out by e-mail within the lead-times specified in the articles of association.

To promote the presence of the largest number of participants at the meeting, the date of the meeting is also displayed within the same lead-times on the website of the association at the following address: <http://www.afnic.com>.

The notification specifies the place, date and time of the meeting. It also indicates the agenda specified by the author of the notification.

3.3.2. Deleted

3.3.3. Conduct of Meetings

a) Access conditions

Each member attending the meeting must sign an attendance list indicating his/her name, first name and capacity, and for representatives of corporate members, the name of the entity they represent. Entry into the deliberations room is preceded by a verification of the participants' identity. Up to two participants from the same corporate member of the association are allowed to attend the meeting. However, only the authorized representative of the corporation convened in compliance with the provisions laid down in Article 3.3.1. 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 a show of hands.

b) Proxy Voting

Proxy voting is allowed each member present only being allowed to hold two voting powers in addition to their own.

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

b (a) Voting by mail / electronic means

By submitting a form: only postal voting forms correctly filled in and received by the association at least three days before the meeting of the General Assembly will be taken into account; the postal voting forms are available in the private section of the Afnic website.

Afnic also can organize online votes. In this case, the persons entitled to vote in the general meeting can log on to the Afnic website, view the online documents and vote by following the instructions.

c) Quorum



There is no quorum requirement, except when modifying the articles of association or dissolving the association. In the case of modification of the articles of association, at least half of the members of the General Assembly must be present or represented on the first notification for the deliberations to be valid; in the case of dissolution of the association, a quorum of two-thirds is required. If a second notification is required for the adoption of one of the proceedings referred to in Articles 21 and 22 of the articles of association, the list of invited members is identical to that of the first notification.

d) Election of members of the Board of Trustees

Candidacies for the election of members of the Board are addressed to Afnic at least six weeks before the date of the general assembly meeting.

These candidacies consist of:

- ✓ the items enabling the identification of the candidate member,
- ✓ the candidate's address,
- ✓ a declaration of interests.

After verifying their eligibility, the candidacies are published on the Afnic website at least fifteen days before the date of the general meeting.

Only complete candidacies are published and declared admissible.

The election of representatives of registrar members, user members, legal entities, individuals and corresponding members is by secret ballot.

For the election of their representatives, only members of the relevant college shall vote. Each participant in the vote signs the attendance sheet next to his/her name (or that of the legal entity s/he represents) and, if applicable, that or those of the represented persons.

- ✓ In colleges where voters choose a single candidate, only one ballot will 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 should 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 are elected on the first ballot. When a second ballot is necessary, only candidates who receive more than 10% of the vote or more than 5% of the votes, if there are more than ten candidates, are allowed to maintain their candidacy in the second round. The candidate(s) receiving the greatest number of votes in the college concerned is/are then declared elected.

In case of a tie subsisting after two consecutive votes, the seat is filled by drawing lots.

Afnic executive management is responsible for the material organization of the elections. It ensures the smooth running of each vote, in particular by providing each member college with the necessary material means (a room, a list of persons entitled to take part in votes in accordance with the provisions of Article 3.3.3. of these Rules of Procedure and a scrutineer).

e) Other provisions

Voting will only take place by secret ballot in the case referred to in paragraph 3.3.3.d of

these Rules of Procedure, unless the meeting decides otherwise.

Participants acting simultaneously in their capacity as representatives of a corporate member and an individual member of the association, subject to being up to date in the payment of the amount of each of their statutory membership fee on the date of the notification, have a maximum of two votes and two powers of attorney.

The majority required is a simple majority (or relative), in which the favorable votes must outnumber the unfavorable votes, except in the case of the modification of the articles of association or dissolution of the association, for which the required majority is of three-quarters of the members present or represented.

A majority of blank votes will result in a second vote. In this second vote, the majority will be determined only by the number of favorable and unfavorable votes, regardless of the number of blank votes.

3.3.4. Minutes

The minutes shall include the following:

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

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 one of them within a maximum period of fifteen days, the minutes are approved.

Upon approval, the summary of decisions is made available online on the website of the association.

3.4. Consultative bodies

3.4.1. 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 method of organization or operation of the association. Their purpose is to provide advice from professionals, network users and personalities belonging to 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, or on the activity of members, or on the international impact of its interventions.

3.4.2. Organization

At most two representatives of each corporate member are entitled to attend meetings of the body in which they are involved. Their participation is confirmed by the signing of an attendance sheet indicating their identity and the name of the company or parent organization.

3.4.3. Operation

Afnic executive management is responsible for the regular meeting and proper operation of the consultative bodies. To do so, it carries out the secretariat duties, which include the preparation of notices, setting the agenda and forwarding the positions of the committees to the Board.

a) Notification and Agenda

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

The notifications are sent via email and announced on the website of the Afnic. In addition to members by right, Afnic personnel may be invited by the CEO to attend the meetings of the various committees.

b) Proceedings

The meetings of consultative bodies are facilitated in turn by one of the representatives of the members of the college concerned, elected to the Afnic Board of Trustees.

The proposals are adopted by show of hands. At the request of the meeting facilitator or Afnic executive management, they may be subject to a vote by simple majority.

The minutes of the consultation bodies are validated by its members and published on the website of the association.

In the case of consultation (by electronic or other means mail) of all the members of a consultative body on the text of a resolution, the responses are sent by email.

Only one representative per corporate member is authorized to decide on the content of a resolution. S/he has a lead-time in which to do so that is defined when the consultation is sent, but which cannot be less than eight (8) days.

The CEO or any other person authorized by the association notifies the outcome of the consultation by email to all of the rights-holders.

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

Article 4. Other provisions

4.1. 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 change 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 recognize the right of Afnic executive management to make extensive use of consultation procedures via email and its website, as well as the legally valid character of any such consultations.

4.2. Deleted

4.3. Dispute Resolution

Associate members of Afnic 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, as well as between the association or a service provider and an end-customer who is not a member of Afnic. Otherwise the dispute will be referred to the relevant courts of Versailles, France.

Article 5. Discipline

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

Article 6. Publication of / Changes in the Rules of Procedure

These rules of procedure adopted by resolution of the Afnic Board meeting on April 12th 2018, in accordance with its articles of association, will be brought to the attention of rights-holders via its website.

Drawn up this day in Montigny-le-Bretonneux, on April 12th 2018.

Emmanuel Sartorius
Chairman of the Board

CHAPTER II

RULES FOR ALTERNATIVE DISPUTE RESOLUTION PROCEDURES

SYRELI

EXPERT ALTERNATIVE DISPUTE RESOLUTION

Glossary

Afnic: (the French acronym for "Association Française pour le Nommage Internet en Coopération" i.e. the French Network Information Center), is an association governed by the provisions of the Act of 1 July 1901, responsible for assigning and managing certain Internet top-level domains corresponding to France and French territories.

"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"; or

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

"Is 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": Service provider having signed a registration contract with Afnic, responsible for processing the applications of its customers (applicants or registrants 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 enabling an administrative act to be performed on a domain name. The Naming Policy is supplemented by a series of documents (Procedures Manual etc.) and information available on-line on the Afnic website or directly from Afnic on request.

"College": Authority consisting of three full Afnic members and two substitutes, 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 Expert ADR procedure.

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

"Contact information": All the available information such as postal and electronic addresses and telephone and fax numbers.

"Declaration of impartiality and independence": Statement in which an Expert accepts a case file in respect of the Expert ADR Rules of Procedure and in which s/he undertakes to act independently, impartially, and in an adversarial manner.

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

"Force Majeure": By express agreement between the Parties, any unavoidable and unforeseeable event or whose forecast occurrence has not allowed the Party involved to prevent its effects will be considered as a case of force majeure. The following events in particular are considered as cases of force majeure (the list being non-exhaustive): acts of the Government, war (whether declared or not), invasions, rebellions, blockades,

sabotage, vandalism, total or partial strikes, social conflict external to the Party involved, civil strife, bad weather, natural disasters, fire, pandemic and/or viral epidemics, blocking of the means of transport or of supply with particular reference to energy, breakdowns in the supply of electrical power, heating, air conditioning, of telecommunications networks, data transmission network, and breakdowns of satellites.

"Suspension of transactions": Operation preventing any changes to the domain name. This does not affect the operation of the domain name (site access, email addresses, etc.)

"Letter of commitment": The letter in which a candidate seeking to obtain or renew his/her capacity as an expert in the Expert ADR procedure, agrees to comply with the requirements of these Rules of Procedure.

"Domain name": An alphanumeric term consisting of a radical and an extension corresponding to an IP address.

"WIPO": World Intellectual Property Organization.

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

"Procedure or Alternative Dispute Resolution Procedure (ADR)": The alternative procedure for resolving disputes 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 Expert ADR procedure.

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

"Claimant": Individual or corporate entity that initiates an alternative dispute resolution procedure relating to one or more domain names, with reference to Article L 45-6 of the French Electronic Communications and Telecommunications Act.

"Deletion": Operation which consists in deleting the domain name from the DNS and the Whois database so that the domain name, which is no longer operational, falls into the public domain and may be registered by a new Holder.

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

"Holder": Individual or corporate entity having registered one or more domain names and is therefore responsible for the operations involving the domain name(s) in question.

"Recover": The domain name recover procedure implies that the new registrant in whose favor 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 lead-times

All the exchanges between the Parties and Afnic under the Procedure as specified by these Rules of Procedure only take place in writing to the email address and/or postal addresses listed:

- ✓ 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 allowed.

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

All the exchanges provided for in these Rules of Procedure are deemed to have been made from the date of dispatch of electronic messages.

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

ii. Binding Rules of Procedure

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

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 Proceedings

These Rules of Procedure are written in French and English.

The proceedings are conducted in French.

If the deeds and supporting documents are not written in French, the Party concerned is to

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 proceedings if the requested translation is not provided, is incomplete, or is invalid.

v. Judicial or extrajudicial proceedings

The Claimant certifies to the best of its knowledge that no judicial or extrajudicial proceedings concerning the domain name in dispute are under way when making its claim.

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

Both ADR procedures are alternative and mutually exclusive of each other.

vi. Costs of proceedings

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 page dedicated to the ADR on the Afnic website (www.afnic.fr).

vii. Liability

Except in cases of willful negligence or willful misconduct, Afnic is relieved of any responsibility of the Parties in respect of all acts or omissions in connection with these 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 is to be accompanied by the documents that the Claimant wishes to use in support of its claim. The size of the file (deeds and supporting documents) of each Party is limited in the terms defined on the electronic platform.

As of the date of commencement of proceedings, the College rules on the claim within two (2) calendar months. The Claimant may at any time terminate the procedure after informing the College of 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 file is incomplete, the Rapporteur informs the Claimant of the missing items electronically within fifteen (15) calendar days of receipt of the claim. The Rapporteur invites the Claimant to produce the missing items within seven (7) days.

Once the Rapporteur finds the file is complete, s/he informs 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 file is necessarily declared to be complete if:

- ✓ The claim form has been duly filled in.
- ✓ The costs of the Procedure have been paid by the Claimant.
- ✓ The domain name is registered.
- ✓ The domain name involved in the procedure is not the subject of any judicial or extrajudicial proceeding.

The Rapporteur ensures that progress in the proceedings is correctly communicated to the Parties.

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

Should the file not be completed on time and under the conditions specified in this Article, the claim is rejected

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

iii. Suspension of transactions on the domain name

At the opening of the Procedure, le Rapporteur suspends all the transactions 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.

Transactions 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 file is complete, the Rapporteur also notifies 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 transactions on the domain name have been suspended
- ✓ that the deeds and supporting documents produced the Claimant are available from

the Rapporteur by electronic means only.

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

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 deeds and supporting 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 the employees of Afnic 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 substitutes, under the same conditions as the full members, who attend the meetings of the College should any of the full members be absent.

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

b. Operation of the College

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

- ✓ the validity of the Claimant's reason for acting,
- ✓ 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"; or
 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"; or
 3. "Is 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 claim exclusively in light of the deeds and supporting documents filed by both Parties without conducting further research, in accordance with these Rules of Procedure, 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 expert reaches his/her decision, in the way s/he considers appropriate in respect of these Rules of Procedure, within twelve (12) calendar days after his/her appointment.

Depending on the scale of compensation 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 compensation sought by the Claimant, the College acknowledges the Holder's decision as the date of expiry of the lead-time left to the Holder to present its reply. The decision is immediately enforceable.

The College's decision is substantiated in writing, and indicates the date on which it was made.

If the decision is adverse to the Claimant, the latter is free to file a new claim bringing new evidence.

vii. Notification of the decision

The Rapporteur notifies the decision to each Party by email and by post.

The Rapporteur forwards 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 lead-time of fifteen (15) calendar days from the date of notification of the 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 clerk of the court).

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

- ✓ that the aforementioned proceedings are no longer justified,

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, transactions involving the domain name remain suspended unless otherwise ordered by a court.

Implementation of the decision takes place in accordance with the Naming Policy, particularly with regard to transfers.

If, within sixty (60) 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 making the information about individuals anonymous) once the lead-time for implementation as provided for in these Rules of Procedure has lapsed.

x. Code of Ethics

All the persons involved in the Procedure must consider and treat as strictly confidential all the data and information they have received for the purposes of studying 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 deeds and supporting documents of the Claimant and the Holder of the domain name.

Should a member of the College be subject to a conflict of interest, s/he is replaced by a substitute.

Should the Rapporteur be subject to a conflict of interest, the administrative management of the Procedure is 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 Minister in charge of electronic communications.

Any change to the Rules of Procedure is 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: Expert ADR Rules of Procedure

I. General

i. Communications and lead-times

All the exchanges between the Parties, the Arbitration and Mediation Center and Afnic in the Procedure as specified by these Rules of Procedure take place exclusively in writing to the email address and/or postal addresses listed:

- ✓ 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 (see Article (II) (iv) below).

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

All and any exchanges to/from Afnic and/or the Arbitration and Mediation Center with either of the Parties will also be transmitted to the other Party.

All the exchanges provided for in these Rules of Procedure are deemed to have been made from the date of dispatch of electronic messages.

Except in cases of force majeure, Afnic, the Arbitration and Mediation Center, the Expert and the Parties are required to meet the deadlines specified in these Rules of Procedure.

ii. Binding Rules of Procedure

These Rules of Procedure are binding upon Afnic, the Arbitration and Mediation Center, the Expert and the Parties, who undertake to respect them.

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 Proceedings

These Rules of Procedure are written in French and English.

The proceedings are conducted in French.

If the deeds and supporting documents 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 proceedings if the requested translation is not provided, is incomplete, or is invalid.

v. Judicial or extrajudicial proceedings

The Claimant certifies to the best of its knowledge that no judicial or extrajudicial proceedings concerning the domain name in dispute are under way when making its claim.

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

Both ADR procedures are alternative and mutually exclusive of each other.

vi. Costs of proceedings

The Claimant bears the costs of the Expert ADR Procedure.

Afnic is not held to take action until the Arbitration and Mediation Center has received full payment of the fees indicated.

Other than in cases explicitly provided for, the Arbitration and Mediation Center does not reimburse any amounts received, whatever the outcome of the proceedings.

When no Expert is appointed, the Arbitration and Mediation Center reimburses the Expert's fees paid by the Claimant as defined in the Center's tax and fee scale.

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

vii. Liability

Except in cases of willful negligence or misconduct, Afnic and the Arbitration and Mediation Center are discharged from all liability in respect of the Parties regarding any acts or omissions in connection with these Regulations.

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 is to be accompanied by the documents that the Claimant wishes to use in support of its claim. The size of the file (deeds and supporting documents) of each Party is limited in the terms defined on the electronic platform.

As of the date of commencement of proceedings, Afnic rules on the claim within two (2) calendar months. The claimant may at any time terminate the procedure after informing Afnic

of 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 Arbitration and Mediation Center and by a "Rapporteur" who has the skills and experience required to ensure the proceedings are properly carried out.

If the file is incomplete, the Arbitration and Mediation Center informs the Claimant of the missing elements by electronic means, within five (5) calendar days of the request. The Center invites the Claimant to produce the missing items within five (5) calendar days.

As soon as the Arbitration and Mediation Center finds the file to be complete, it informs the Rapporteur so that the latter can notify the Parties by electronic means of the opening of the proceedings, indicating that as of the date of opening Afnic has a period of two (2) calendar months in which to rule.

The file is necessarily declared to be complete if:

- ✓ The claim form has been duly filled in.
- ✓ The costs of the Procedure have been paid by the Claimant.
- ✓ The domain name is registered.
- ✓ The domain name involved in the procedure is not the subject of any judicial or extrajudicial proceeding.

The Rapporteur ensures that progress in the proceedings is correctly communicated to the Parties.

Should the file not be completed on time and under the conditions specified in this Article, the claim is rejected

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

iii. Suspension of transactions on the domain name

At the opening of the Procedure, le Rapporteur suspends all the transactions 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.

Transactions 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 file is complete, the Rapporteur also notifies 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 transactions on the domain name have been suspended

- ✓ that the deeds and supporting documents produced the Claimant are available from the Rapporteur by electronic means only.

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

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 deeds and supporting 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 file, the Arbitration and Mediation Center appoints a single expert from the list of experts published on the websites of Afnic and the Arbitration and Mediation Center, taking into account their availability and qualifications required in the case in question.

The appointment takes place within seven (7) calendar days after the deadline for the Holder's reply.

Prior to the appointment of an Expert, the Center checks with each prospective Expert if there are facts or circumstances, past or present, or that could arise in the foreseeable future, which might call into question the independence of that Expert from the point of view of one of the Parties to the proceedings. Taking into consideration the timing of the procedure, the Arbitration and Mediation Center must also check whether the prospective Expert is available in order to devote the time required to carry out his/her duties responsibly and within the lead-time required by these Rules of Procedure.

Once this has been checked, the Arbitration and Mediation Center sends to the appointed Expert the Declaration of Impartiality and Independence on the basis of which the aforementioned Expert accepts the file in respect of these Rules of Procedure.

The Center notifies to the Parties the name of the Expert selected for the case.

The Arbitration and Mediation Center sends the completed Declaration of Impartiality and Independence signed by the designated Expert to the Rapporteur, who adds it to the file on the electronic platform. The Parties are notified of this document and the name of the appointed Expert by email.

b. Case file analysis and decision of the Expert

For each case file for which s/he is responsible, the Expert is required to assess:

- ✓ the validity of the Claimant's reason for acting,
- ✓ 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"; or
 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"; or
 3. "Is 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 claim exclusively in light of the documents and exhibits filed by both Parties without conducting further research, in accordance with these Rules of Procedure, 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 returns his/her decision, in the way s/he considers appropriate in respect of these Rules and Regulation within twelve (12) calendar days from the expiry of the deadline for the reply from the Holder.

Depending on the scale of compensation sought by the Claimant, the Expert may order the transfer of the domain name to the Complainant, the Deletion of the domain name, or reject the claim.

Should the Holder accept the compensation sought by the Claimant, the Expert acknowledges the Holder's decision as of the expiry of the lead-time left to the Holder to present its reply. The decision is immediately enforceable.

The decision of the Expert is substantiated and in writing.

If the decision is adverse to the Claimant, the latter is free to file a new claim bringing new evidence.

vii. Notification of the decision

On receipt of the Expert's decision, Afnic rules on the claim on the basis of the Expert's decision and notifies same to the Parties within three (3) calendar days.

The Rapporteur notifies the decision to each Party by email and by post.

The Rapporteur forwards 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 lead-time of fifteen (15) calendar days from the date of notification of the 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 clerk of the court).

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

- ✓ that the aforementioned proceedings are no longer justified,
- 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, transactions involving the domain name remain suspended unless otherwise ordered by a court.

Implementation of the decision takes place in accordance with the Naming Policy, particularly with regard to transfers.

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 Afnic website and on that of the Arbitration and Mediation Center (after making the information about individuals anonymous) once the lead-time for implementation as provided for in these Rules of Procedure has lapsed.

x. Code of Ethics & Selection of Experts

All the persons involved in the Procedure must consider and treat as strictly confidential all the data and information they have received for the purposes of studying 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 Arbitration and Mediation Center, the Expert and Afnic are bound by an obligation of neutrality and impartiality with regard to both the existence of the file and the items with which they have become acquainted during the Procedure and in particular the deeds and supporting documents of the Complainant and of the domain name Holder.

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

The procedure is not designed to rule on a dispute over a domain name filed by Afnic or the Arbitration and Mediation Center.

x.i. List of Experts

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

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

a. Selection criteria

The Experts must be qualified lawyers in French law, with a minimum of five (5) years of experience who maintain that competence through continuous training, particularly in the following legal areas: intellectual property law, Internet law and New Information & Communications Technology Law, Fundamental Rights and Freedoms Law, Administrative Law and Constitutional Law. The skills and qualifications of the Experts must be such that they can ensure they carry out their tasks in accordance with Article L.45-2-2° of the French Electronic Communications and Telecommunications Act (CPCE).

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

The 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 to the Committee an application 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 model of the resume is available on the Arbitration and Mediation Center and Afnic websites).

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

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

The Committee independently studies the file for each candidate and checks that the latter meets the requirements, if necessary by contacting the professional organizations cited in the candidate's file.

c. Appointment as an Expert and duration

The Committee notifies each candidate of the reasons for its decision to accept or reject the person. In particular, the competence and experience of the experts are taken into consideration by the Committee as grounds for its decisions.

Decisions of acceptance or rejection of applications are taken by the Committee unanimously. If there is no unanimity, the application to become an Expert will not be retained. The Expert can 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 appointment of the Expert on the list. To be renewed, the Expert must submit to the Committee a substantiated request in writing accompanied by the Letter of commitment.

There is no right to be included in the list. The Committee may modify at any time the list of Experts.

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

The Committee may withdraw Experts from the list when they are no longer available, or if, during previous litigation 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 an infringement of any one 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 capable professional association.

Decisions to withdraw an Expert of the list are taken by the Committee unanimously. If there is no unanimity, the Expert is retained in the list.

x.ii. Rules of conduct applicable to Experts

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

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

Before their appointment is accepted, for each assignment the Expert must report to the Arbitration and Mediation Center any element of fact or law which may result in a contact, connection, community or conflict of interest. If there is such an element, the Arbitration and Mediation Center will 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 his/her independence in relation to either Party, Afnic or the Arbitration and Mediation Center. In all conscience, s/he must confirm there is no element of fact or law 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 appear to be likely to raise doubts about the independence of an Expert, the Expert concerned must immediately disclose these to the Arbitration and Mediation Center. In such circumstances, the Arbitration and Mediation Center has the exclusive authority to appoint a new Expert.

In particular, breaches of ethical rules include the following:

- ✓ Accepting an assignment when the Expert represents or has represented any one of the Parties in the framework of ADR procedure after his/her inclusion on the list;

- ✓ Accepting an assignment when the Expert has been previously appointed a dispute resolution provider in 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 about his/her representation or conflicts of interest.

xi. Changes to the Expert ADR Rules of Procedure

These Expert ADR Rules of Procedure have been approved by order of the [French] Minister in charge of electronic communications.

Any change to the Rules of Procedure is 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 this day in Montigny le Bretonneux, on March 14, 2016.

Emmanuel Sartorius

Afnic Chair