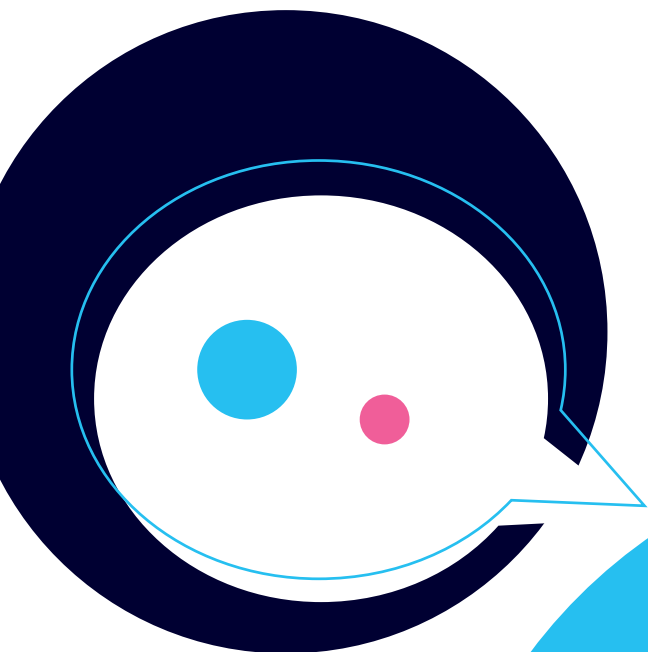


2016

P R A C T I C A L  
GUIDE

for holders of  
**DOMAIN NAMES  
UNDER THE .FR**

*afnic*



This guide is written for anyone having or wishing to register **a domain name under the .fr TLD** (or any other of the namespaces for which Afnic is responsible: .pm, .re, .tf, .wf and .yt)<sup>1</sup>.

This guide provides the basic legal guidelines you need to know in order to correctly manage a domain name under the .fr TLD.

This guide is also available for free download on our website [www.afnic.fr](http://www.afnic.fr) under «Dispute resolution».

**This guide is not designed to explain the contractual relationship between domain name holders and their registrars; there are some 400 of the latter, all of which are free to establish their own terms and conditions, which define holders' rights and obligations.**

<sup>1</sup> | For holders of domain names under other TLDs, only the registries in charge of those namespaces and the registrar with which each domain name was registered can provide information about the legal framework applicable.

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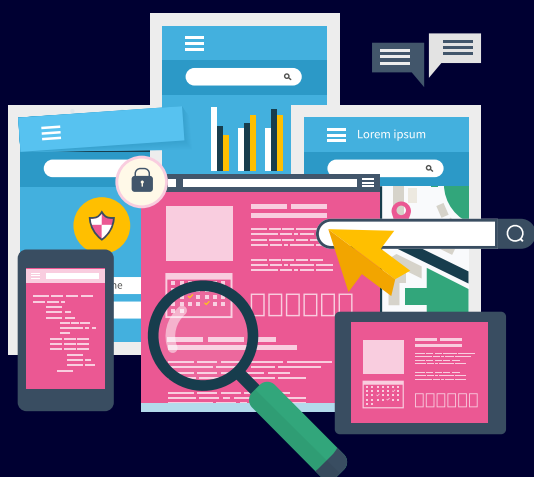
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# FROM CHOOSING TO BUYING YOUR DOMAIN NAME: A COMMITMENT

## /// CHOOSING A DOMAIN NAME

Whoever you are (an individual, a local authority or a company) defining the terminology of your future domain name is an important task that requires time and thought.

To succeed under the .fr TLD, let yourself be guided by Afnic by logging onto our [special website](#).



### THE AFNIC EXTRA:

Afnic provides various tools allowing you to:

- check the availability of the domain name that you plan to register, using the [Whois](#) database;
- choose, [using our directory](#), the registrar who will be responsible for managing your domain name.

## /// WHO TO IDENTIFY AS THE HOLDER

The holder of a domain name is the person (individual or corporate) that appears as such in the Whois database and holds the associated rights.

**Deciding on the person to be registered as the holder in the Whois database is important.**

For example, we know of a number of cases in which:

- The employee of a company registered the domain name in his name in good faith, but when he left the company, there was a dispute about the ownership of the domain name;

- An individual or a corporation (company, association, etc.) used the services of an IT service provider to register a domain name, that then registered the domain name under its own name instead of that of the customer without telling the latter, for the sake of simplicity or ease;

**It is therefore important to consider all of these situations before choosing the person to be identified as a domain name holder.**

**To help answer this question, ask yourself who should have the rights to the domain name: Who may decide to sell it? Who may decide the content of the website in question? For what purpose? Who will be responsible in the event of litigation?**



## /// THE HOLDERS' COMMITMENTS ?



When you register a domain name under the .fr TLD, you agree to:

- ▶ Respect the terms of the Afnic [Naming Policy](#)
- ▶ Respect the terms of the contract between you and your registrar

Afnic, (the French acronym for «Association Française pour le Nommage Internet en Coopération» i.e. the French Network Information Center) is the state-designated registration office for the management of domain names in the .fr namespace; as such, it is tasked with **managing the registry** of domain names under the .fr TLD, operating and maintaining the technical infrastructure of the domain name system (DNS) for namespaces under its responsibility, and **ensuring the accessibility** of these domain names from any point on the Internet.

To carry out its tasks, according to criteria defined by decree, Afnic accredits registrars who will be in charge of registering the domain names requested by their customers, i.e. the prospective domain name holders.

Afnic only rarely has any contact with you, the end-customer. Your main contact is the accredited registrar you choose to manage your domain name. It is the latter that will ensure all dealings with our services including: registering your domain name, its renewal, its transfer to another holder, its deletion etc.

# 2

## YOUR RIGHTS AND OBLIGATIONS WITH RESPECT TO A DOMAIN NAME

As the holder of a domain name, you have certain rights related to the protection of your personal data.

Furthermore, you are free to use your domain name as you want subject to the condition, however, that you comply with all the provisions of the [Naming Policy](#) throughout the registration period of your domain name (see page 12).

### /// RIGHT ASSOCIATED WITH YOUR DOMAIN NAME

#### De-identification of your personal data

As an individual, the personal data (name, address, phone no., etc.) you provide or have provided to your registrar when registering your domain name are recorded in the Afnic database (called the «Whois» database) but are in no case published<sup>21</sup>.

Your personal data and the **Nic Handle** are, by default, replaced by «Restricted Distribution» in the Whois database.

In cases where the Nic Handle is also referred for an administrative contact (see page 7 : designate a technical contact) de-identification will also apply to the contact.

This right only applies if you are an individual.

You also have the right to rectify this information. The correction is made by your registrar.

#### Right of access to your information and rectification

Whether you are an individual or organization, you have a right to access the information you have recorded with Afnic and your registrar, in accordance with French law no. No. 78-17 of 6 January 1978 on Data Processing, Files and Individual Liberties, known as the "Data Protection Act".



#### **You can publish your personal data if you so wish.**

To do so, simply specify this when registering your domain name, or follow the disabling procedure of the «de-identification» option provided by your registrar.



<sup>21</sup> Subject to certain conditions, however, Afnic can disseminate personal data to the person making the request; the person must prove that your domain name reproduces identically or almost identically:

- A brand or trademark registered earlier, protected in France that s/he owns
- A distinguishing feature registered earlier, protected in France that s/he owns (name, company name, trade name, sign, domain name)
- A title registered earlier, protected by French copyright, that s/he owns
- Their family name or pseudonym.

Under this procedure, you are not informed of the communication to the applicant of your personal data.

## /// YOUR OBLIGATIONS

### AS THE HOLDER OF A DOMAIN NAME UNDER THE .FR TLD, YOU ARE SUBJECT TO CERTAIN OBLIGATIONS:



#### Reside in the territory of one of the Member States of the European Union

To obtain a domain name under the .fr TLD, you must reside in the territory of a member state of the European Union or one of the following: Iceland, Liechtenstein, Norway, and Switzerland; this requirement applies throughout the life of your domain name.

Failure to comply with this criterion may result in the deletion of all your domain names following the Afnic holder substantiation procedure (see page 13 : you have no right to assert).



#### Be reachable

When registering a domain name under the .fr TLD, you are required to provide accurate contact information (phone number, address and identification data) throughout the life of your domain name<sup>3</sup>.

Failure to comply with this criterion may result in the deletion of all your domain names.

Whether on its own initiative or further to a substantiated request by a third party, Afnic may be required to launch a holder substantiation procedure.

As part of this procedure, you will need to substantiate for your registrar by any means (company registration certificate (K-bis), copy of an official document of identity, proof of address, etc.), that the data you have indicated when registering your domain name is accurate and meets the criteria of the naming policy. Otherwise, you will have to correct (if an update is possible) your contact information in the database via your registrar.

If these documents in proof or corrections are not made, the status of your domain name will change from «suspended» to «blocked» 30 days after the start of the procedure; it will be deleted after another 30-day blocking period.

#### Designate an administrative contact

When registering your domain name, you must designate and maintain throughout the life of your domain name an «administrative contact» meeting the same obligations as the holder, i.e., residing within the territory of the one of the Member States of the European Union and reachable.

The administrative contact you designate can be yourself, another person or your registrar.

#### Designate a technical contact

Just as the administrative contact, when registering your domain name, you must designate and maintain a «technical contact» throughout the life of your domain name.

This technical contact may simply be your registrar.

In cases where the administrative contact indicated by the holder when registering the domain name is a third person, the latter has no right to the holder's domain name including the right to de-identification.



The administrative and/or technical contacts are liable to be contacted and/or informed by Afnic of any transactions affecting the domain name (see page 8).

## /// YOU HOLD A DOMAIN NAME UNDER THE .TM.FR, .ASSO.FR, .ASSO.RE, .COM.FR AND .COM.RE TLDs

Since 15 March 2013, the registration of domain names under these TLDs is no longer possible.

However, if you hold one of these domain names, and it was registered before March 15, 2013, your rights are maintained.

<sup>3</sup> To update your contact information, simply contact your registrar.

# 3

## TECHNICAL OPERATIONS POSSIBLE ON A DOMAIN NAME

Once you have registered a domain name, you become its holder for a limited time.

**For this reason, to make sure your domain name is properly managed during the period in question, you must take certain precautions. For example, unless you have opted for multi-year registration, remember to renew your domain name before it expires, to prevent it from falling back into the public domain.** In the event of a change of registrar, make sure to thoroughly check the contract with your current registrar and scrupulously respect the procedures specified in it. Finally, it is recommended to regularly update your contact details so that you can be easily contacted by e-mail or by post throughout the life of your domain name.

Furthermore you can transfer your domain to an eligible third party or delete it if you so wish. In case your domain name is no longer managed by a registrar you must follow the procedure for orphan domain names.

### /// CHANGING REGISTRARS

You can change registrar at any time.

Make sure, however, that you read the contract again binding you to your registrar and especially the conditions of sale.

To change registrars, as the holder, you must obtain an «auth-info» code from the current registrar and send it to the new registrar who will take charge of the transfer of the domain name.



Your current registrar must give you the «auth-info» code either when the domain name is created, or make it available in a special section of their website.

**Finally, note that the application to change registrars is generally fee-paying and is frequently associated with other services such as website hosting.**

**For further information:**

**Please visit our website page entitled «[How to Manage your Domain Name](#)».**





## /// YOUR REGISTRAR HAS CEASED TRADING

This may in particular arise where your registrar has not renewed its registration contract with Afnic, or your registrar's company has been struck off.

In this situation you find yourself in possession of domain names called «orphans» because the registrar that managed them no longer legally exists.

It is up to your registrar to inform you of this situation. Otherwise, Afnic will inform you (and your administrative contact if any) by post. In this case you must choose another registrar within a period of 30 days following receipt of the notification.



### THE AFNIC EXTRA:

If you do not search for a new registrar, you risk having your domain name deleted by Afnic - a domain name cannot exist without being «allocated» to a registrar.

## /// ASSIGNING / TRANSFERRING YOUR DOMAIN NAME

**You are free to transfer (or assign) your domain name to anyone, provided that the person meets the conditions required to file a domain name under the .fr TLD (See p.07 «Your obligations»).**

After receiving confirmation that you wish to transfer the domain name, and confirmation from the future buyer that he or she wishes to recover the domain name, the registrar will update the Holder information.

Contact your registrar to find out the procedure for transferring your domain name.



### THE AFNIC EXTRA:

Please visit our website page entitled [«How to Manage your Domain Name»](#).

## /// UNWANTED SUSPENSION, BLOCKING AND DELETION OF YOUR DOMAIN NAME

Generally, Afnic is not allowed to perform technical operations on your domain name either on its own initiative or on request.

However, in specific cases, your domain name may be subject to technical operations including:

- ▶ When a court decision orders a measure that affects the status of your domain name: Afnic will comply with that measure and maintain the new status of your domain name for as long as required by the judge;
- ▶ When an alternative dispute resolution procedure (ADR) is initiated (see §4): your domain name will have «suspended» status until the ruling is handed down;
- ▶ When an eligibility verification procedure is initiated (see above): your domain name will have «suspended» status for a period of 7 days. At the end of this period, your domain name can be placed under the «block» status for a period of maximum 30 days and then deleted;
- ▶ When your domain name is said to be an «orphan» until you choose a new registrar in charge of the domain name.



### THE AFNIC EXTRA:

To see if your domain name has been subject to a technical operation, simply perform a search on the domain name in question in the **Whois database**; the status of the domain name is listed.



**Suspending** a domain name prevents any future transactions involving it. Your domain name is technically suspended. This does not affect the operation of the domain name, however. In other words, the use made of it (website, email address etc.) is maintained.

**Blocking** a domain name prevents not only all future transaction requests concerning the domain name, but also makes it inoperative (the website and associated email addresses no longer work).

**In most cases (except for specific proceedings taken by a judge), you are automatically informed of the technical changes that are made to your domain name.**

Afnic is not authorized to carry out technical operations on your domain name, and interventions by Afnic can only be performed under strictly controlled procedures.

Also, to end these technical operations, it is essential to meet the requests of:

- ▶ your registrar and in particular the holder substantiation procedure concerning your contact details or,
- ▶ Afnic, as part of a dispute resolution procedure initiated against you (see §5).

## SECURING YOUR DOMAIN NAME



**Domain name scams occur and can lead to diversion of traffic or make a website completely inaccessible.**

Afnic provides a service called «**fr Lock**» to secure your domain name.

The service allows you to lock your domain name, making it impossible to carry out any technical operation or update that might affect your domain name without your permission.

To implement this service, contact your registrar.

Every accredited .fr registrar can provide the service.

**For further information:**  
please visit our website section entitled  
«[Products and services](#)».



# 4

## WHAT TO DO IF YOU HAVE FORGOTTEN TO RENEW YOUR DOMAIN NAME AND A THIRD PERSON HAS REGISTERED IT

### /// THE DURATION AND RENEWAL OF YOUR DOMAIN NAME

**When you register a domain name under the .fr TLD, you are free to choose the duration.**

For domain names under the .fr, .re, .yt, .pm, .wf or .tf TLDs, the duration can last up to ten years.

As for the registration of your domain name, you should contact your registrar in order to renew it. Even if your contract includes automatic renewal for several years, you should check it each year before the expiry date, to see whether the renewal process requires your intervention and/or payment or not.

You can also explicitly renew your domain name (even while registering it) and change its validity period (from one to ten years).



At the same time, check the accuracy of your contact details and the administrative information recorded in the [Whois](#) database.

### /// WHY IT IS IMPORTANT TO RENEW A DOMAIN NAME

If your registrar has had no contact with you before the expiry of your domain name, it can send Afnic a deletion order, so that it does not have to pay the costs of the management of your domain name on your behalf.

Once the domain name has been deleted, it will fall into the public domain. The first-come, first-served principle applies in such cases, and if you fail to re-register your domain name first, you are liable to find yourself in long negotiations or even a dispute with the new holder, which can cause legal problems and significant financial costs, especially if the domain name was well ranked on the Internet.



#### THE AFNIC EXTRA:

At the end of the period for which you have chosen to register your domain name, an additional 30-day security period, called the «grace period» applies, during which the deletion request from your registrar to the Afnic is still reversible. It is only at the end of this period that the domain name you have asked to be deleted falls into the public domain and can be reserved by someone else, based on the first-come, first-served principle. During this period, no transaction involving a trade or transfer is possible and your domain name is still unavailable for reservation, except for you if you change your mind.

## WHAT TO DO IF YOU HAVE FORGOTTEN TO RENEW YOUR DOMAIN NAME AND A THIRD PERSON HAS REGISTERED IT

### /// WHAT YOU CAN DO

First come, first served: to every principle there is an exception.

#### YOU HAVE PRIOR RIGHTS TO ASSERT

**Perhaps you were not the first to re-register your domain name but you may have prior rights to assert.**

In this case, you find yourself in the situation of a rights-holder; procedures (free and fee-paying) are therefore available to you to try to recover your domain name.

For further information, please see our [Practical Guide](#) for rights-holders.



If the domain name is deleted, the first-come, first-served principle applies; so you can find yourself in the same situation as beforehand. Afnic does not provide any pre-reservation service or waiting list to obtain deleted domain names.

**We recommend you contact a legal counsel (lawyer, patent attorney) who will help you carry out the procedure.**

If the new holder is an individual, it is possible that their contact data are not searchable.

#### YOU HAVE NO RIGHT TO ASSERT

**You have no right to assert other than the domain name you hold.**

Afnic provides tools to help you to reach an amicable solution with the new holder. Failing an amicable agreement, the only remaining means are judicial or extrajudicial proceedings.

Contact the new holder: To do so, see the Whois database to find out the identity of the holder.

In this case, Afnic provides a [form enabling you to contact the administrative contact of the domain name](#) allowing you to send them a message.

Afnic is not informed of the contents of the message and does not charge for enabling the contact. It transfers the message without checking its contents, its receipt, the accuracy of the recipient's contact details, or the identity of the issuer.

There is no guarantee of a response from the administrative contact, or even any guarantee that the latter has received and/or read the message sent. The administrative contact is free to reply and to decide or not whether to transfer the e-mail to the holder of the domain name if the administrative contact and registrant are two different people.

**The contact details of the new holder are implausible / incorrect:** You have obtained the contact details and you have proof that they are implausible or incorrect. Afnic provides a [form allowing you to launch a holder substantiation procedure](#).

This can be very useful. Within a little more than a month, a domain name holder who has not substantiated or corrected their contact information has their entire domain name portfolio immediately deleted. In addition, the procedure is free for whoever initiates it.

# 5

## WHAT TO DO WHEN YOU HAVE BEEN NOTIFIED THAT A SYRELI OR ADR EXPERT PROCEDURE HAS BEEN OPENED INVOLVING A DOMAIN NAME YOU HOLD

When you register a domain name you agree to the Afnic [Naming Policy](#).



One of the provisions of the policy states that «The holder of a domain name unreservedly undertakes to comply with the procedures for resolving disputes managed by Afnic».

For this reason, you cannot refuse to enter into a dispute resolution procedure initiated by a third party.

To date, there are two ADR (alternative dispute resolution) procedures for handling disputes out of court involving domain names under the .fr TLD: Once of them, SYRELI, is fully managed by Afnic, while the ADR EXPERT procedure is managed in conjunction with WIPO.

### /// WHY YOU HAVE RECEIVED THE NOTIFICATION



**The receipt of this notification means that your domain name is currently the subject of a dispute resolution procedure.**

In other words, a third party, who can be an individual, a local authority or a corporation, believes that your domain name infringes one or more of its rights.

It has therefore referred to Afnic to file a request to transfer or delete your domain name because it believes that your domain name is either:

- ▶ liable to disrupt public order or morality, or the rights guaranteed by the French Constitution or French law; or
- ▶ liable to infringe its intellectual property rights or personal rights; or
- ▶ 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.

This is because, although your domain name was available for registration, it is possible that it had an impact on the rights of others. Hence the importance of taking time to think before registering a domain name and if necessary carry out further research (INPI, Infogreffe, search engines etc.) before doing so..

## WHAT TO DO WHEN YOU HAVE BEEN NOTIFIED THAT A SYRELI OR ADR EXPERT PROCEDURE HAS BEEN OPENED INVOLVING A DOMAIN NAME YOU HOLD

### DEFEND YOURSELF

When you register a domain name, except for domain names subject to prior review, you are free or not to use the domain name that you reserve. However, it is essential that the use or non-use of the domain name is compliant with the terms of the naming policy.

As of the date of receipt, by electronic means, of the notification of the opening of the procedure, you have 21 calendar days including the first and last day in which to prepare your defense (with or without the assistance of a lawyer).

Once connected to the platform (see below for terms and conditions) you will have access to the arguments and documents provided by the opposing party. You can file your response on the same platform. The opposing party is only informed of your response at the end of the 21 days but cannot add new items.



The registration of a domain name subject to prior review means that before being able to use the domain name, your registration request is studied by Afnic.

This screening process is only for a specified list of domain names published on our website in the \_ section. You will have to justify to Afnic your legitimate interest and good faith in order to register one of these domain names.



#### THE AFNIC EXTRA:

In 2015, 73% of those who were represented by legal counsel (patent attorney or lawyer) obtained satisfaction. Conversely, 50% of the holders who were represented obtained satisfaction. Rely on our «[ADR Trends](#)» review to help you prepare your defense.

### RESPONDING TO A REQUEST ON THE PLATFORM

After creating a user account, it is imperative that you sign on to the platform corresponding to the dispute resolution process used by the claimant.



**If the Claimant has filed its request on [SYRELI platform](#),**



**YOU MUST FILE YOUR RESPONSE ON THE SAME PLATFORM.**

**If the Claimant has filed its request on the [ADR Expert platform](#),**



**YOU MUST FILE YOUR RESPONSE ON THE SAME PLATFORM.**

**If in doubt** between a lowercase «l» and a capital «I» or between the number zero «0» and the capital letter «O», please copy and paste the code from the email notification.

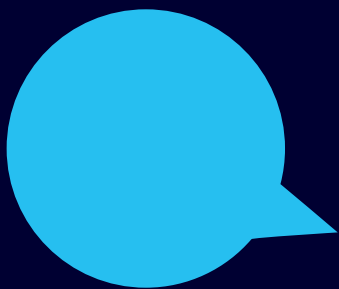
Once connected, you will be prompted to enter the identifiers (login + password) provided in the notification of the opening of the procedure that was sent to you by email and by post.

No response sent by post or email will be accepted. Afnic will not file documents in proof on your behalf. Afnic does not provide legal advice: it will not counsel you, nor will it provide judicial expertise for you or for the other party. It observes strict neutrality.



#### THE AFNIC EXTRA:

A tutorial to guide you through each step of your response is available on the website of the ADR EXPERT platform in the «[ressources](#)» section.



## USEFUL INFORMATION

### To contact Afnic:



Afnic  
Direction juridique  
Immeuble Le Stephenson  
1, rue Stephenson  
78180 Montigny-Le-Bretonneux  
France  
[www.afnic.fr](http://www.afnic.fr)



Tél. : +33(0)1 39 30 83 00



@AFNIC



[support@afnic.fr](mailto:support@afnic.fr)



Fax : +33(0)1 39 30 83 01



[afnic.fr](http://afnic.fr)



Download:  
[Practical guide for rights-holders](#)

### About Afnic

**Afnic** is the French Registry for the .fr (France), .re (Reunion Island), .yt (Mayotte), .wf (Wallis and Futuna), .tf (French Southern Territories), .pm (Saint-Pierre and Miquelon). **Afnic** is also positioned as a provider of technical solutions and services for registries and registrars. **Afnic** (the French Network Information Centre) comprises public and private stakeholders, including government authorities, users, and Internet service providers (Registrars). It is a non-profit organisation.

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