



**Dispute resolution Rules of Procedure
for obvious breaches of the provisions
of the Decree of 6 February 2007**

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Glossary

“AFNIC”: *the French Network Information Center*, a non-profit making organisation governed by the provisions of the Law of 1 July, 1901. AFNIC is in charge of domain names allocation and management for some of the country-code Top Level Domains (ccTLDs) that correspond to French national territory.

“Applicant”: individual or corporate entity that initiates dispute resolution proceedings in respect of the Holder of one or more domain names in respect of an obvious breach of the provisions of the Decree.

“Blocking”: operation consisting in removing the domain name from the DNS and making it non-operational for a period of thirty (30) days before its Deletion. During this period the domain name is nevertheless maintained in the Whois database and still belongs to its Holder. The domain name is thus blocked and cannot be registered by any third party.

“Charter” or “Naming Charter”: document defining the technical and administrative rules making it possible to proceed to an act of administration on a domain name. The Charter is supplemented by a set of documents (procedures guide etc.) and information that is accessible on line on the AFNIC Website or directly from AFNIC upon request.

“Decree”: the Decree of 6 February, 2007 covering the allocation and management of Internet domain names and amending the Post and Electronic Communications Code.

“Deletion”: operation consisting of deleting the domain name from the DNS and Whois database, so that the domain name will no longer be operational, and returns to the public domain, making it available for registration by a new Holder.

“Freezing operations”: operation that consists in preventing any modification of the domain name. This operation will not change the functioning of the domain name (access to the site, e-mail addresses, renewal, etc.).

“Holder”: individual or corporate entity that has proceeded to the registration of one or more domain names and responsible for the operations related to them.

“Procedure”: refers to the present procedure for dispute resolution.

“Registrar”: A technical service provider which has concluded an agreement with AFNIC and which is responsible for processing its customers’ requests (domain name applicants or Holders).

“Transfer”: A technical and administrative operation carried out by the AFNIC to transmit a domain name from one holder to another

I. General remarks

In accordance with the [Naming Charter](#), the present rules of the Procedure shall apply to all the disputes resulting from the provisions of the Decree.

i. Communications and dealines

Any communications from AFNIC to the parties in the context of the Procedure under the present rules must be performed solely in writing to the e-mail address and/or postal address indicated:

- by the Applicant in his/her/its application;
- by the Holder at the time of the domain name registration and as shown in the AFNIC “[Whois](#)” database on the day on which the proceedings are opened (article (II) (iv)).

Any communications provided for under the present rules shall be considered to have been made from the date of transmission of the communication via electronic mail.

Any communication from AFNIC to any of the parties shall also be transmitted to the other party.

Face-to-face meetings of one or more individuals (including teleconferences, video conferences or web conferences) are not permitted.

The deadlines determined under the present rules shall begin to run from the date of the notification to the parties of the Procedure opening.

The parties are required to comply with the deadlines fixed in the present regulation.

In certain cases, AFNIC may extend the deadlines fixed after receipt of a substantiated request from one of the parties¹ or on its own initiative.

ii. Language of the proceedings

The proceedings shall take place in the French language.

iii. Unnecessary or impossible continuation of the proceedings

Should the continuation of the proceedings become unnecessary or impossible, for any reason, before a decision has been pronounced, AFNIC shall declare the proceedings to be terminated, unless one of the parties is opposed thereto within the deadlines communicated by AFNIC.

¹ See the Form for requesting an extension.

The Applicant may terminate the proceedings at any time after so informing AFNIC. In such circumstance, the Applicant shall be required to pay the costs mentioned in article (I) (v) of the present regulation.

AFNIC will then unfreeze the domain name that is the subject of the dispute.

iv. Judicial or extra-judicial proceedings

The Applicant shall certify that, to its knowledge, no judicial or extra-judicial proceedings concerning the domain name that is the subject of the dispute is currently in progress, nor will be instituted for the duration of the procedure.

If it becomes aware of any proceedings instituted concerning the domain name in dispute, it shall so inform AFNIC immediately.

v. Costs of proceedings

The Applicant shall cover the costs of the proceedings which shall amount to 250 euros exclusive of tax per domain name.

AFNIC shall not be required to act, as long as it has not received payment in full of the costs specified above.

AFNIC shall not reimburse any of the amounts paid regardless of the results of the Procedure.

vi. Reparation measures

Reparation measures that may be requested and obtained by the Applicant in the context of the Procedure governed by the present rules, shall be limited exclusively to the Transfer of the domain name to the benefit of the Applicant, the Blocking or Deletion of the domain name or names.

This Procedure is not intended to award damages with interest to the Applicant.

II. Steps of the Procedure

i. Making the initial application

The present Procedure is instituted by making an application to AFNIC in electronic form, accompanied by all supporting documentation in scanned form².

² <http://www.afnic.fr/doc/ref/juridique/predec>

It is required to contain a duly completed application form for each domain name that is the subject of the dispute and be accompanied by any documentation in support of the application³.

Should the Applicant be incapable of making the application in electronic form, he/she/it may make it by post, to the following address: AFNIC, Service juridique, Immeuble International, 78181 Saint Quentin en Yvelines Cedex, France.

Such an application must be made in three identical copies and must be accompanied by proof of payment of the costs of the procedure.

ii. Admissibility of the application

AFNIC will then examine whether the application satisfies the admissibility conditions specified hereunder:

- The costs of the Procedure must have been paid by the Applicant.
- The domain name that is the subject of the litigation has been registered and is not the subject of any ongoing judicial or extra-judicial litigation.
- The application form has been duly completed.

Should the application fail to comply with the conditions of admissibility, AFNIC shall so inform the Applicant who shall have a period of seven (7) calendar days to remedy the defect.

Should the Applicant fail to correct any irregularities noted, the application shall be considered to have been withdrawn once the due period has expired and AFNIC shall declare the Procedure to have been terminated. AFNIC shall not reimburse any of the amounts paid by the Applicant.

The Applicant shall remain free to make a new application in respect of the same domain name.

iii. Freezing operations on a domain name

If the application meets the conditions of admissibility stated in the present rules, AFNIC shall freeze operations on the domain name that is the subject of the litigation for the duration of the Procedure as well as beyond the term of the Procedure, where applicable, in accordance with article (II) (ix) of the present rules.

The Freezing of the operations concerning a domain name shall be performed in accordance with the terms of the [Naming Charter](#).

³ <http://www.afnic.fr/doc/ref/juridique/predec>

iv. Opening of proceedings and disclosure of exhibits to the parties

AFNIC shall notify the Holder, by e-mail and post, of the opening of the Procedure as well as the Freezing of operations on the domain name and shall have the Applicant's exhibits and submissions available through electronic communications⁴.

AFNIC shall also notify the Applicant and the Registrar with which the domain name has been registered of the opening of the Procedure, and shall do so solely by e-mail.

The date of the opening of the Procedure shall correspond to the date on which AFNIC notified the domain name Holder of the application by e-mail, pursuant to article (I) (i) of the present regulations.

v. Reply from the Holder

The Holder shall have a period of fifteen (15) calendar days from the date of the opening of proceedings in which to send a reply through the means made available by AFNIC.

This reply is required to contain the reply form, duly completed for each domain name that is the subject of the litigation and it must be accompanied by all of the scanned exhibits required for such reply⁵.

Should the Holder be incapable of making its reply in electronic form, he/she/it may make it by post, to the following address: AFNIC, Service juridique, Immeuble International, 78181 Saint Quentin en Yvelines Cedex, France.

Such a reply must be made in three identical copies.

AFNIC shall transmit the Holder's reply to the Applicant for information purposes, the transmission not requiring a response from the Applicant.

vi. Default

If, in the absence of exceptional circumstances, one of the parties fails to comply with the deadlines fixed in the present rules, AFNIC shall continue the Procedure and shall render its decision.

If, in the absence of exceptional circumstances, one of the parties fails to comply with the provisions of the present regulation, or an instruction from AFNIC, the latter may draw whatever conclusions it deems to be appropriate.

⁴ <http://www.afnic.fr/doc/ref/juridique/predec>

⁵ <http://www.afnic.fr/doc/ref/juridique/predec>

vii. Decision

AFNIC will render its decision, within a period of fifteen (15) days from the date of expiry of the time allowed to a domain name Holder to reply.

Applications are dealt with and analysed by AFNIC's Legal Department.

Decisions shall be taken by a panel consisting of the CEO and four senior members of AFNIC appointed by him.

The panel shall be composed of at least three participants in order to be able to render a decision.

Decisions are taken by an absolute majority of panel members present and are rendered by the CEO in the name of AFNIC.

Each member of this panel shall be bound by an obligation of secrecy regarding the elements of which he/she may be made aware in the context of a procedure and especially the exhibits and submissions of the Applicant and the domain name Holder.

AFNIC shall rule on the application, purely on the sight of the submissions and exhibits submitted by both parties, in compliance with the present rules and shall not proceed to make any additional investigation.

AFNIC shall only deal with obvious cases in which there can be no possible doubt⁶.

Based on the remedies requested by the Applicant, AFNIC may ask for a transfer of the domain name to the Applicant, the Blocking or the Deletion of the domain name or reject the application.

The decision by AFNIC will be formulated in writing, substantiated and it shall indicate the date on which it was rendered.

viii. Notification of the decision

AFNIC shall notify its decision to both parties by e-mail and by post.

AFNIC shall transmit its decision by e-mail to the Registrar with which the domain name was registered.

ix. Execution of the decision

AFNIC's decision shall only be executed after a period of (15) fifteen calendar days has elapsed from the date of notification of the decision to the parties.

⁶ Refer to the general policy.

AFNIC shall suspend the execution of its decision should, within the period of the delay of execution of the decision:

- the Applicant or the Holder provide AFNIC with a document proving that an application has been made to a court regarding the domain name subject of the dispute (for example, a copy of the application, bearing the registration stamp of the administration office of the court), or
- the Applicant provide AFNIC with a document proving that an [ADR](#) (Alternative Dispute Resolution) procedure has been opened with an extra-judicial body.

The execution of the decision shall be suspended until AFNIC receives a document proving:

- that the said Procedure is no longer necessary, or
- that a court order or extra-judicial decision has intervened under the terms provided for in the [Charter](#).

Until the execution of such decision or until the court proceedings undertaken under the present article of the rules have been concluded, the domain name shall remain frozen unless an order to the contrary has been made by a court of law.

The execution of the decision shall be performed under the conditions laid down by the [Charter](#), and especially concerning the transmissions (article 25).

x. Publication of the decision

The decision shall be published on AFNIC's Internet website (while rendering anonymous any information concerning individuals) once the period of recourse provided for under the present rules has elapsed.

xi. Exclusion of liability

In making an application under this Procedure, the Applicants undertake to comply with the provisions of the present rules.

The application for the resolution of the litigation shall be directed exclusively against the Holder of the domain name.

Neither the CEO, nor AFNIC, nor its directors, employees nor representatives shall be liable in respect of anyone for any actions, acts or omissions in relation to the decision rendered.

A refusal by AFNIC to satisfy any application for dispute resolution shall not involve its liability.

xii. Amendments to the rules

AFNIC reserves the right to amend the present rules.

Amendments shall come into force after a period of thirty (30) calendar days have elapsed from the date of publication of the amended version of the present regulations on AFNIC's web site.

The applicable version to the course of a dispute resolution is that which prevails at the time of the filing of the application with AFNIC.