

*Rules for alternative
dispute resolution
procedures*

SYRELI

**EXPERT ALTERNATIVE DISPUTE
RESOLUTION**

afmic

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

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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 and Regulations.

"Procedure or Alternative Dispute Resolution Procedure (ADR)": The alternative procedure for resolving disputes governed by these Rules and Regulations, undertaken by the Claimant against a Holder concerning a domain name held by the latter.

"Rules and Regulations": The Rules and Regulations 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 and Regulations

I. General

i. Communications and lead-times

All the exchanges between the Parties and Afnic under the Procedure as specified by these Rules and Regulations 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 and Regulations 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 and Regulations.

ii. Binding Rules and Regulations

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

Non-compliance with these Rules and Regulations 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 and Regulations 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 and 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, 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 has been registered
- ✓ The domain name involved in the procedure is not the subject of any judicial or extrajudicial proceedings.

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 and Regulations.

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.

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 and Regulations, as provided for in the French Electronic Communications and Telecommunications Act.

If necessary, the College takes into account the occurrence of force majeure in its deliberations.

The College reaches its decision within twenty-one (21) calendar days of the date of expiry of the lead-time left to the Holder to present its reply.

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 and Regulations, 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 and Regulations 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 and Regulations.

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 and Regulations of the Dispute Resolution System (SYRELI)

The SYRELI Rules and Regulations have been approved by order of the Minister in charge of electronic communications.

Any change to the Rules and Regulations is approved by the Minister.

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

PART II: Expert ADR Rules and Regulations

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 and Regulations 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 and Regulations 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 and Regulations.

ii. Binding Rules and Regulations

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

Non-compliance with these Rules and Regulations 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 and Regulations are written in French and English.

The proceedings are conducted in French.

If the deeds and/or supporting documents are not written in French, the Party concerned must 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 section reserved for this purpose.

vii. Liability

Except in cases of willful negligence or willful 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 has been registered
- ✓ The domain name involved in the procedure is not the subject of any judicial or extrajudicial proceedings.

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

As of 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 and Regulations.

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 a domain name have been suspended,
- ✓ that the deeds and supporting documents produced by the Claimant are available 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 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 and Regulations.

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 aforesaid Expert accepts the file in respect of these Rules and Regulations.

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 and Regulations, 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 after his appointment.

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 and Regulations, 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 and Regulations 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 and Regulations.

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. The 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 section (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 and Regulations.

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 and Regulations

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

Any change to the Rules and Regulations is approved by the Minister.

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