

World Trademark Review *Daily*

‘.fr’ and other French TLDs to open up to the EU
France - Hogan Lovells

Domain names

November 22 2011

On December 6 2011 [AFNIC](#), the French registry, will open up the ‘.fr’ top-level domain (TLD) to all entities based in the European Union. The same will apply to the other French TLDs delegated to AFNIC - that is, ‘.re’ (Reunion Island), ‘.tf’ (the French Southern Territories), ‘.pm’ (Saint Pierre and Miquelon), ‘.yt’ (Mayotte) and ‘.wf’ (Wallis and Futuna).

In March 2010 AFNIC was re-appointed as the registry for the ‘.fr’ TLD further to an invitation to tender for the management of the ‘.fr’ registry which the French government issued as a result of the adoption of a 2007 decree. As part of the new contract to run the registry, the French government [set a number of conditions](#) for the future of the French domain name space, the most interesting being the commitment to open up ‘.fr’ to entities based in the European Union within two years.

The current rules governing domain name registrations under ‘.fr’ require the registrant to be either a French individual (based anywhere in the world), a French company or the holder of a registered trademark affording protection in France. However, this will change from December 6 when all EU-based entities (whether they are companies or individuals) will be able to register a ‘.fr’ domain name. The only requirement will be for the registrant to be based in the European Union. This is a major development as, despite the gradual relaxation in relation to ‘.fr’ eligibility requirements over the years, AFNIC has always sought to ensure that the ‘.fr’ extension is reserved for entities having a link with France.

Information from AFNIC indicates that, rather than the countries of the European Union, it will be the countries of the European Economic Area that would be considered as eligible. Therefore, this would include the 27 EU member states, as well as Iceland, Liechtenstein and Norway.

In any event, the liberalisation has a consequence for non-EU entities as, unless they have an office or branch based in the European Union, they will no longer be able to register ‘.fr’ domain names, even if they hold a trademark valid in France. This also means that French people living outside of the European Union will no longer be able to register ‘.fr’ domain names. ‘.fr’ is thus set to follow the same model as the ‘.eu’ and ‘.it’ TLDs, which are open to EU-based entities only.

It appears that existing registrations made under the old rules will remain unaffected by the changes. Currently, AFNIC does not seem to have any clearly defined policy in place for legacy domain name registrations going forward, but it may seek to enforce the new requirements retrospectively in the future, at the point when any non-compliant domain names are being renewed.

In addition, according to the new act adopted by the French Parliament in March 2011 (which [substantially modified the provisions regarding the allocation and management of domain names](#) in France), all the French TLDs are to be affected by the new provisions. As a consequence, the other French TLDs delegated to AFNIC, namely ‘.re’, ‘.tf’, ‘.pm’, ‘.yt’ and ‘.wf’, will also open up to EU-based registrants on December 6.

This will be an interesting development for Reunion Island as ‘.re’ domain names are currently available only to local entities, and registrants must either be a local company or hold a registered trademark affording protection in France. These restrictions partly explain why ‘.re’ is not a very popular TLD and counts only approximately 8,400 domain name registrations. This situation will no doubt change as a result of the relaxed eligibility rules.

As for ‘.tf’, ‘.pm’, ‘.yt’ and ‘.wf’, these TLDs have been suspended for many years, as the eligibility requirements have not yet been agreed with local parties. The new rules will thus mean the end of this suspension. Brand owners are thus advised to secure their brands under these new extensions as soon as possible before other parties do so.

As AFNIC recently celebrated its 25th birthday, this change in eligibility requirements will surely further boost interest in ‘.fr’ and help promote those little-known territories that belong to France. AFNIC currently counts approximately 2,148,000 ‘.fr’ domain names, which makes France the 11th largest country-code TLD worldwide in terms of volume of domain name registrations, just behind Australia, which counted approximately 2,215,000 domain names at the end of September. It will be interesting to see if, further to this major development, ‘.fr’ makes its way up into the top 10 next year.

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