

World Trademark Review Daily

Decision highlights restrictions placed on French lawyers concerning domain names

Domain names

France - Hogan Lovells International LLP

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On May 4 2012 the French Court of Cassation (the highest French court) upheld a decision of the Court of Appeal in relation to the restrictions placed on French lawyers when registering and using domain names in the course of their profession.

The case related to the registration of the domain names 'avocats-paris.org' (French for 'lawyers-paris.org') and 'avocat-divorce.com' (French for 'lawyer-divorce.com') by a practising French lawyer. The Court of Cassation confirmed that the use of such domain names by the lawyer in question amounted to unfair competition. It was also misleading publicity, given that the lawyer in question was not actually a member of the Paris Bar, but of a Bar outside of Paris. The court therefore forbade the lawyer from using such domain names.

At the time the domain names were registered, the [internal Bar rules](#) applying to French lawyers did not contain any specific provisions relating to domain names but, perhaps in an attempt to clarify matters due to cases such as this, the French Bar introduced some new rules in April 2010. The new provisions specifically provide that any lawyer who sets up a website must inform the French Bar and also inform it of the domain names being used to point to such website. The domain names in question should contain the name of the lawyer or of the law firm, which may be preceded or followed by the word 'avocat' ('lawyer' in French). The use of domain names describing the legal profession in general terms, or which may lead to confusion or refer to a particular area of law, are not allowed.

Interestingly, the equivalent rules applying to English lawyers (contained within the [Solicitors Regulation Authority Handbook](#)) make no specific reference to domain names (although both the French and the English rules do have provisions relating to website content and publicity in general). As a result, certain firms in the United Kingdom have shown themselves to be rather entrepreneurial in registering generic domain names such as 'personalinjury.co.uk' and pointing them towards their websites. Indeed, whilst both 'solicitors.co.uk' and 'solicitor.co.uk' appear to be owned by private firms of solicitors in the United Kingdom, 'avocats.fr' and 'avocat.fr' are both held by the French Bar.

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