

**Liberalization of the “.fr” TLD :
Asterix's village is finally doing what all other ccTLDs have been doing for ages !**

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On September 6, 2004, the first WIPO UDRP (Uniform Domain Name Dispute Resolution Policy) decision was handed down in the .fr zone, further to the liberalization of the .fr Top-Level Domain (TLD) in May 2004.

The case relates to the domain name <cybermut.fr>, which was registered by the defendant Skiwebcenter, an Internet service provider specialized in the creation and hosting of websites, including the registration of domain names. Other domain names based on the term “cybermut” were already being used for distance banking services by the bank Crédit Mutuel/CIC, which owned the corresponding trademarks but did not register the .fr domain name in time after the May 2004 liberalization.

The WIPO expert considered that the registration of the <cybermut.fr> domain name, without any authorization or right on the notorious trademark of a third party, could only have been made unfairly in order to attempt to take undue advantage of the notoriousness of such a trademark, at the same time depriving the claimant from his right to use it in the .fr zone. WIPO thus ordered the transfer of the domain name back to the claimant.

The .fr TLD was among the last ccTLDs in Europe whose access was very strictly regulated. It was only possible to register a .fr domain name if one had a Registry of companies extract, the official document establishing the registration of a company and its official name. Any string of characters appearing on such extract could be registered as a .fr domain name but only in that very case.

In May 2004, the .fr registration was extended insofar as the following persons and entities may now register the domain name of their choice without the previous restrictions :

- owners of a registered trademark,
- companies,
- registered association (who have a SIRET number),
- independent professionals,
- craftsmen,
- public authorities, etc.

The AFNIC (the Domain Name Registry for the .fr ccTLD) faced a rush of registration requests that started in May 2004, and cases of cybersquatting almost instantly appeared.

In particular, the domain name <michel-edouard-leclerc.fr> was immediately registered by an individual who was neither related to Michel-Edouard Leclerc nor to the Leclerc group (hypermarkets). The website corresponding to the domain name was linked to the pornographic website www.fatalgirls.com and the domain name was advertised as being for sale.

On June 28, 2004, in emergency proceedings, the *tribunal de grande instance* of Paris held that this constituted an infringement of the Leclerc trademarks and that this went against the personality rights that individuals have on their own names. The tribunal thus ordered that the registration of the domain name be cancelled and that the defendant pay 4,500 euros to the plaintiff.

In conclusion, companies which conduct business in France and which were not, until now, able to register a .fr domain name, should take steps rapidly if they have not already done so, in order to avoid their domain names being cybersquatted in France.

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