

# PARL

---

## Practical user's guide to ADR

Afnic Alternative Dispute Resolution procedures



October 2022 edition

*afnic*  
Internet  
made in France

**The Guide to ADR Trends is changing and now has a new name!**

Initially designed to make up for the lack of a search engine for the rulings handed down by Afnic, the Guide to ADR Trends was known as a compendium of SYRELI rulings, classified by subject.

Over the years, the Guide added practical information to make first the SYRELI and then the PARL EXPERT (or EXPERT ADR) procedure accessible both to Claimants and to Holders.

In parallel with this, Afnic launched its first search engine in 2021 enabling access to all Afnic's ADR rulings (Syreli, PARL Expert and the Predec archives).

Which is why the Guide to ADR Trends has now become the PRACTICAL USER'S GUIDE TO ADR.

In this new edition, we invite you to discover the [practical guides](#) on its website.

Enjoy reading!

## Summary

Some figures .....	4
Actu' PARL .....	5
Completeness of the submission .....	6
Admissibility of the request .....	7
Admissibility of documents .....	8
Admissibility of the request and of the documents .....	9
The guide to supporting documents .....	10
Claimant's standing .....	15
Claimant's eligibility .....	16
Grounds for the request .....	18
Holder's agreement .....	20
Refusal or lack of response from the Holder .....	21
Cases provided in Article L.45-2 paragraph 1 of the CPCE .....	22
Cases provided in Article L.45-2 paragraph 2 of the CPCE .....	24
Cases provided in Article L.45-2 paragraph 3 of the CPCE .....	27
Holder's legitimate interest .....	29
Bad faith of the Holder .....	30
Our essential sections .....	34

Some figures\*

Syreli

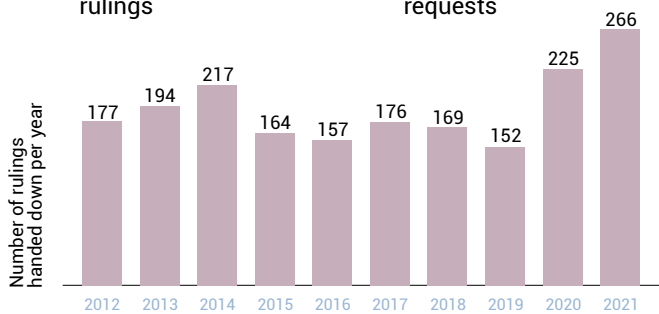
1,897 rulings handed down

**63%**  
favourable  
rulings

91% transfer  
rulings  
and 9% deletion  
rulings

**37%**  
unfavourable  
rulings

of which 95% transfer  
requests  
and 5% deletion  
requests



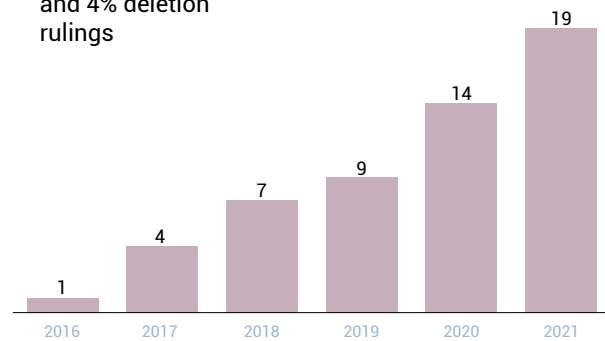
PARL Expert

54 rulings handed down

**89%**  
favourable  
rulings

96% transfer  
rulings  
and 4% deletion  
rulings

**11%**  
unfavourable  
rulings



**Rates of transfer or deletion of domain names following an ADR ruling**

Since November 2011, the Syreli College has handed down 1,897 rulings. For 63% of claims, the College agreed to the measure requested, of which 91% were requests for transfer of a domain name and 9% were requests for deletion of a domain name.

Since 22 March 2016, the Experts have handed down 54 rulings. For 89% of the claims, the College agreed to the measure requested, of which 96% were requests for transfer of a domain name and 4% were requests for deletion of a domain name.

Specifically: all Expert ADR claims to date have been based solely on Article L.45-2 paragraph 2 of the CPCE; whereas all grounds of Article L.45-2 of the CPCE have already been used under the Syreli procedure.

\* The Trends are based on data covering the period from the opening of the ADR platforms until December 2021.

## What are the right documents to provide in an ADR?

The choice of documents to upload to the SYRELI or PARL EXPERT platform is no trivial matter: it can even play a major role and swing the outcome of a ruling either way.

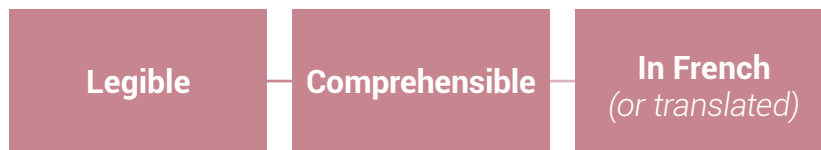
The stakes are the same, **whether you are a Claimant or a Holder**.

As a reminder, the Rules for ADR procedures provide that the College rules on "the claim exclusively in light of the deeds and supporting documents filed by both Parties, without conducting further research".

The supporting documents must be provided on the platform, consequently...

... **hyperlinks** are systematically **rejected** and not taken into account.

Each document submitted in the file must be:



The name of the document (name of the attached file) must ideally match its content. E.g.: if you wish to enclose a Kbis extract, the name of the file would be "Kbis – Name of company".

The documents linked to the merits of the case must be very carefully chosen to demonstrate the key elements of your argument. Few documents, but the right ones!


[Page 10](#) contains a guide to supporting documents and good practices to adopt to give you the best chance of success!


## Completeness of the submission

### The Syreli rapporteur or the WIPO ensures that:

1. The request form is duly completed
2. The costs of the procedure are settled
3. The domain name is registered and active (not frozen or blocked)
4. The domain name is not subject to any judicial or extrajudicial procedure

If a complaint is filed, ensure it relates explicitly to the domain name

 If any of these criteria is not met, the Rapporteur or the WIPO will reject the request.

 The Rapporteur or the WIPO will not verify the content of the documents filed by the Parties, or their pertinence with regard to the arguments put forward.

### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:  
**IRRECEVABILITÉ > procédure judiciaire en cours**

## Admissibility of the request

### □ Standing to represent the Claimant

The Syreli College or the Expert will consider claims made on behalf of a Claimant by a third party not having standing to represent the Claimant, or not proving such standing, to be inadmissible.

Only lawyers have standing to represent Claimants; they merely have to prove their status as lawyers.

Industrial property lawyers have standing to represent their clients within their area of specialisation.

All other representatives must produce a power of attorney authorising them to act in the name and on behalf of the Claimant, issued by the Claimant's legal representative.

### □ Language of ADR procedures

In accordance with Article (I)(iv) of the Syreli and Expert ADR regulations, “[...] The procedure shall be held in French [...]”.



“How to avoid inadmissibility in the Syreli procedure”: [read the blog](#)

“BREXIT and .fr domain names”: [read the blog](#)

**41** Syreli applications were declared inadmissible due to the lack of standing to represent the Claimant.

No Expert ADR application was concerned by such a case of inadmissibility.

### 🎯 Find our rulings relating to this subject


- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - On powers of representation:  
**IRRECEVABILITÉ > absence de pouvoir de représentation**
  - On the language of the procedures:  
**IRRECEVABILITÉ > demande non traduite**

## Admissibility of documents

### The College or the Expert

1. Reserves the right not to accept documents provided in a foreign languages
2. Will take no account of documents provided by hyperlink
3. Will take no account of unusable documents
4. Will not take account of arguments that are not supported by documentary evidence

 In accordance with Article II.vi.b. of the Regulations, the College or the Expert will not undertake any additional search.

 Few documents BUT the right documents!



"How to avoid inadmissibility in the Syreli procedure": [read the blog](#)



### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - On the absence of supporting document:  
**IRRECEVABILITÉ > défaut de pièce**
  - On documents submitted by hyperlink:  
**IRRECEVABILITÉ > pièce sous lien exploitable**
  - On inadmissible documents provided in a foreign language:  
**IRRECEVABILITÉ > pièce non traduite**
  - On admissible documents provided in a foreign language:  
**IRRECEVABILITÉ > pièce non traduite > compréhension aisée**
  - On unusable documents:  
**IRRECEVABILITÉ > pièce non exploitable**



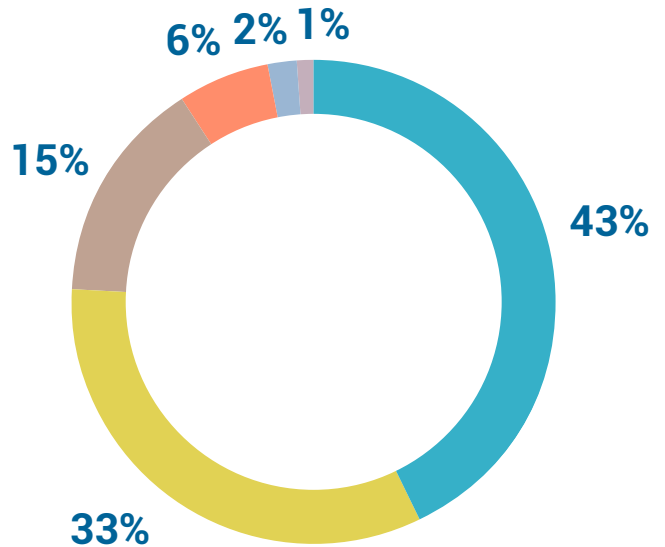
# Admissibility of the request and of the documents

## Some figures

**5%**  
of Syreli cases  
are inadmissible

as against 0% in Expert ADR

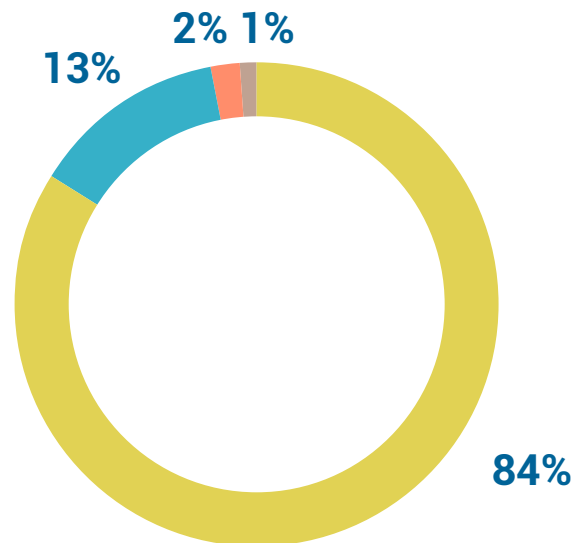
- Absence of power to act on behalf of the Claimant
- Claim devoid of evidentiary documents
- Judicial proceedings in progress concerning the disputed domain name
- Documents and arguments drafted in a foreign language
- Documents submitted entirely by download link
- Waiving of any recourse by the Parties



**6.5%**  
of admissible Syreli  
cases contain inadmissible  
documents

as against 0% in Expert ADR

- Untranslated documents
- Documents provided by hyperlink
- Illegible/unusable documents
- Documents provided beyond deadlines



## The guide to supporting documents (1)

Its objective: to give with practical tips to guide your choice of pertinent documents to provide in support of your arguments, **as a Claimant, or in response as Holder.**

In the following table you will find a non-exhaustive list of documents to provide and not to provide, depending on what you wish to demonstrate.

### What are you aiming to demonstrate?

- [The identity of your entity, a legal person \(company, association, public establishment, agglomeration community, etc.\)](#)
- [Your identity \(natural person\)](#)
- [Your identity \(legal person\)](#)
- [Your prior rights:](#)
  - **A prior brand**
  - **A prior domain name**
- [Continuous prior use of a distinctive sign \(domain name, trade name, logo, acronym, initials...\)](#)
- [Your entity's renown](#)
- [The absence of rights of the other party as regards the domain name in dispute](#)
- [The identity of a holder who is a natural person \(anonymised data\)](#)
- [The identity of a holder that is a legal person](#)
- [The use of the domain name in dispute:](#)  
[To prove abusive practices such as phishing, fraudulent emails, page parking, online sale of competing products...](#)
- [Exchanges between the parties](#)
- [Your online activity, actual or in the process of being prepared](#)




#### What is a complete screenshot?

A good screenshot is one that makes it possible to identify the source of publication of the content highlighted (URL address of the website) and its date (timestamp of the operating system used for the screenshot, often shown, when using a computer, at the bottom right or top right of your screen).




## The guide to supporting documents (2)

 WHAT TO DEMONSTRATE?	 DOCUMENTS TO PROVIDE	 DOCUMENTS NOT TO PROVIDE
<p><b>The identity of your entity if it is a legal person</b> (company, association, public establishment, agglomeration community...)</p>	<ul style="list-style-type: none"> <li>- A Kbis extract issued less than three months ago</li> <li>- SIRENE register status notice</li> <li>- Complete legal information on INFOGREFFE, societe.com, INPI (National Industrial Property Institute), etc.</li> <li>- Publication in the official journal</li> </ul>	<ul style="list-style-type: none"> <li>- Articles of Association of companies, only</li> <li>- Incomplete screenshots of websites of INFOGREFFE, societe.com, INPI...</li> </ul>
<p><b>Your identity</b> (natural person)</p>	<p>Any valid proof of personal or professional identity: CNI (National Identity Card), Professional Activity Card, passport...</p>	<p>Truncated elements masking your identity</p>
<p><b>The existence of a prior brand</b></p>	<ul style="list-style-type: none"> <li>- A complete, up-to-date brand notice extracted from the brand databases (INPI, EUIPO, WIPO) indicating the owner, the classes and their description and the date of registration</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>- A certificate of registration accompanied by proof of renewal if necessary</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>- The publications of effective registration of the brand in the BOPI (official IP bulletin)</li> </ul>	<ul style="list-style-type: none"> <li>- A partial screenshot of the INPI, EUIPO, WIPO websites</li> <li>- A certificate of registration of a brand dated more than ten years ago without a certificate of the latest renewal</li> <li>- The form requesting registration of a brand</li> <li>- Publication of only the request for registration of the brand in the BOPI</li> <li>- A list of brands</li> </ul>
<p><b>Ownership of a prior domain name</b></p>	<ul style="list-style-type: none"> <li>- A complete extract from the WHOIS database indicating the holder's name, the dates of registration and expiry (which can be downloaded from the Afnic or registrar websites, and other WHOIS database sites, etc.)</li> <li>- An attestation of ownership provided by the Registry</li> </ul>	<ul style="list-style-type: none"> <li>- An extract from the WHOIS database in which the name of the holder ("registrant") is anonymised</li> <li>- An extract from the WHOIS database indicating an expiry date prior to the date on which the request for ADR was filed</li> <li>- An invoice, by itself, for the creation or renewal of the domain name</li> <li>- A screenshot, by itself, of your customer interface with the registrar</li> <li>- An editable copy/paste of an extract from the WHOIS database</li> <li>- A simple list of domain names</li> </ul>




# The guide to supporting documents (3)

 WHAT TO DEMONSTRATE?	 DOCUMENTS TO PROVIDE	 DOCUMENTS NOT TO PROVIDE
<p><b>Continuous prior use of a distinctive sign</b> (domain name, trade name, logo, acronym, initials...)</p>	<ul style="list-style-type: none"> <li>- <b>For prior use on the web:</b> complete screenshots of searches for various websites (e.g. web archive, BNF (French National Library)), demonstrating the use of the sign from its creation date to the present day</li> <li>- <b>For prior use known to the public:</b> dated newspaper articles, advertising documents, business documents (business card, catalogue, activity report, survey...) referring to the distinctive sign in question</li> <li>- <b>Articles of law, regulatory texts for names of State: administrative entities, names of public services</b></li> </ul>	<ul style="list-style-type: none"> <li>- A screenshot of the website to which your domain name redirects, undated or with a date later than the date of creation of the disputed domain name</li> <li>- A partial screenshot not showing either the source or the date of the contents</li> </ul>
<p><b>Your entity's renown</b></p>	<ul style="list-style-type: none"> <li>- One or two recent rulings describing your reputation</li> <li>- One or two rulings of the WIPO arbitration and mediation centre acknowledging the reputation of your brand or entity</li> </ul> <p>Failing that:</p> <ul style="list-style-type: none"> <li>- Two or three press articles relating to your entity, your official website, your figures, your activity, your online presence, awards and distinctions obtained...</li> <li>- A complete screenshot of the results obtained, on a search engine, for a term connected with your entity and or the disputed domain name</li> <li>- Surveys on your reputation</li> <li>- Advertising documents</li> </ul>	<ul style="list-style-type: none"> <li>- More than ten press articles</li> <li>- More than ten judicial or extra-judicial rulings</li> <li>- SYRELI rulings unrelated to the problems encountered by the parties</li> </ul>

# The guide to supporting documents (4)

 WHAT TO DEMONSTRATE?	 DOCUMENTS TO PROVIDE	 DOCUMENTS NOT TO PROVIDE
<p><b>The absence of rights of the other party as regards the domain name in dispute</b></p>	<ul style="list-style-type: none"> <li>- A complete screenshot of the results obtained from company searches using the holder's name in such databases as those of INFOGREFFE, societe.com, INPI...</li> <li>- A complete screenshot of the results obtained from searches for brands owned by the holder in brand databases (EUIPO, WIP, INPI, TMView...)</li> <li>- A return of post after sending a letter to the holder's address</li> </ul>	
<p><b>The identity of a holder who is a natural person (anonymised data)</b></p>	<ul style="list-style-type: none"> <li>- Recent disclosure of the holder's personal data</li> </ul>	<ul style="list-style-type: none"> <li>- An extract from the WHOIS database only, indicating anonymised data of the holder</li> </ul>
<p><b>The identity of a holder that is a legal person</b></p>	<ul style="list-style-type: none"> <li>- An extract from the WHOIS database mentioning the identity of the holder</li> </ul>	<ul style="list-style-type: none"> <li>- An extract from the WHOIS database indicating anonymised data of the holder</li> </ul>
<p><b>The use of the domain name in dispute</b></p> <p><b>To prove abusive practices</b> (ex: phishing, fraudulent emails, page parking, online sale of competing products...)</p>	<ul style="list-style-type: none"> <li>- A bailiff's report on the website to which the disputed domain name redirects</li> <li>- A complete screenshot of the website to which the disputed domain name redirects</li> <li>- If the domain name redirects to a different website: the source codes demonstrating this redirection or a bailiff's report confirming it</li> <li>- Screenshots of fraudulent emails sent via an electronic address created from the disputed domain name (indicating the dates, senders and recipients)</li> <li>- Email reports from third parties concerning the use of the disputed domain name</li> </ul>	<ul style="list-style-type: none"> <li>- A partial screenshot with no apparent url address</li> <li>- If the domain name redirects to a different website: a single screenshot indicating a different url address from that of the disputed domain name</li> <li>- Screenshots of emails in which the sender's address does not appear</li> </ul>

## The guide to supporting documents (5)

 WHAT TO DEMONSTRATE?	 DOCUMENTS TO PROVIDE	 DOCUMENTS NOT TO PROVIDE
<p><b>Exchanges between the parties</b></p>	<ul style="list-style-type: none"> <li>- A complete screenshot of the various email exchanges, indicating the dates, senders and recipients</li> <li>- Copies of letters sent by post between the parties</li> </ul>	<ul style="list-style-type: none"> <li>- An email extract without the identity of either the sender or the recipient</li> </ul>
<p><b>Your online activity, actual or in the process of being prepared</b></p>	<ul style="list-style-type: none"> <li>- Complete screenshots of your website</li> <li>- Complete screenshots of mock-ups of your planned website, the terms of reference for the development of your future website...</li> </ul>	

## Claimant's standing

### Article L.45-6 of the CPCE:

"Any person with standing may ask the competent registrar to delete a domain name or transfer it to him providing the domain name falls within the cases provided in L.45-2 of the CPCE.[...]"

### The Claimant has standing in particular if:

1. He holds an identical, almost identical or similar domain name<sup>(1)</sup> to that of the disputed domain name under another TLD
2. He holds an almost identical or similar domain name<sup>(1)</sup> to that of the disputed domain name under the same TLD
3. He holds a trademark<sup>(1)</sup>, company name<sup>(1)</sup>, family name or pseudonym, property title<sup>(1)</sup> (work, patent, drawing and model, etc.), an A.O.C./A.O.P. (controlled/protected designation of origin)<sup>(1)</sup> that is similar, identical or nearly identical to the disputed domain name
4. He can show proof of having been the holder of the domain name under dispute (registration invoice in his name, old extract from the Whois database, etc.)

<sup>(1)</sup> Irrespective of the date of creation or registration.

**Any request filed by a Claimant without evidencing his standing will be declared inadmissible by the College or the Expert.**



"Domain name litigation: recognition of the rights of a controlled designation of origin (AOC) in Syreli": [read the blog](#)



### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - 1st line of keywords:
    - ABSENCE D'INTÉRÊT À AGIR > défaut de pièce**
    - ABSENCE D'INTÉRÊT À AGIR > pas de lien juridique**
    - ABSENCE D'INTÉRÊT À AGIR > absence du droit de défense**
    - ABSENCE D'INTÉRÊT À AGIR > pas d'élément justifiant une similarité entre les deux signes**
    - INTÉRÊT À AGIR > nom de domaine identique**
    - INTÉRÊT À AGIR > nom de domaine quasi identique**
    - INTÉRÊT À AGIR > nom de domaine similaire**
  - To narrow the selection of the rulings classifying the standing, add the desired keywords in the category "ATTEINTE AUX DROITS".

## Claimant's eligibility

### The Claimant is considered ineligible

When he is not located in an EU member state.

BREXIT: for registrations made prior to and during the 2020 transitional period, holders resident in the United Kingdom remain eligible for the .fr TLD.



**Although having standing, a Claimant that is not eligible under the naming policy of the .fr TLD may not benefit from the transfer of a domain name.**

### A claim from a Claimant who is not eligible under the naming policy is admissible when:

1. It requests the transfer of the domain name to one of its direct wholly-owned subsidiaries located in an EU Member State and providing such subsidiary can show a legal tie to the Claimant
2. It requests deletion of the domain name.



**The College or the Expert will consider a request for the transfer of a domain name to an indirect subsidiary as inadmissible, even if the subsidiary is wholly-owned.**



*"What means of action for a rights holder ineligible under the .fr naming policy?": [read the blog](#)*  
*"BREXIT and .fr domain names": [read the blog](#)*

## Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - Ineligible claimants:
    - ABSENCE D'ÉLIGIBILITÉ > transmission du nom de domaine**
    - ABSENCE D'ÉLIGIBILITÉ > transmission du nom de domaine à une filiale directe > défaut de pièce...**
  - Ineligible claimants but admissible requests:
    - ABSENCE D'ÉLIGIBILITÉ > suppression du nom de domaine**
    - ABSENCE D'ÉLIGIBILITÉ > transmission du nom de domaine à une filiale directe**
  - BREXIT :
    - ABSENCE D'ÉLIGIBILITÉ > ÉLIGIBILITÉ - UK**



# Claimant's eligibility

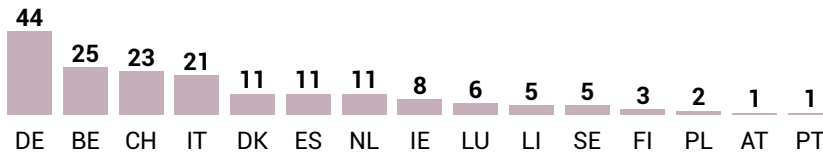
## Some figures

### For Syreli

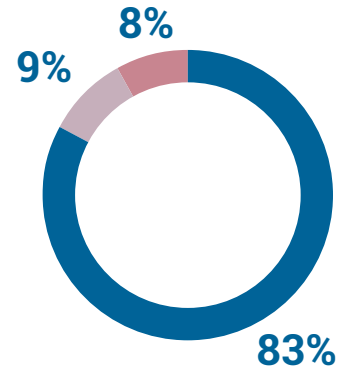
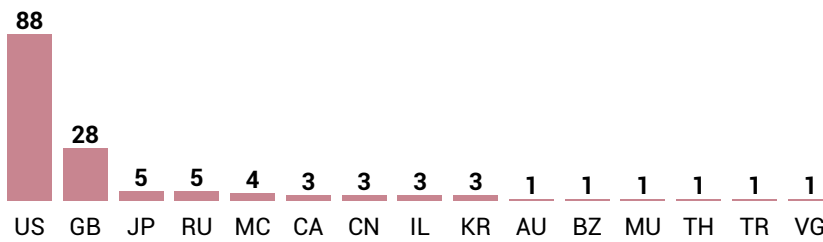
Claimants' countries of residence

- France
- Eligible territories (EU + EFTA member countries)
- Ineligible territories

Eligible claimants



Ineligible claimants

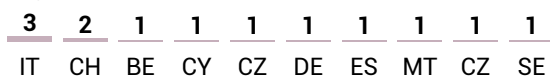


### For PARL Expert

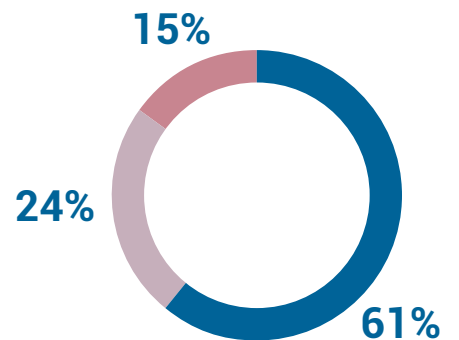
Pays de résidence des Requéants

- France
- Eligible territories (EU + EFTA member countries)
- Ineligible territories

Eligible claimants



Ineligible claimants



## Grounds for the request

### Article L.45-2 of the CPCE:

Paragraph 1: "The domain name is likely to impinge on public order or morality or rights guaranteed by the French Constitution or French law";

Paragraph 2: "The domain name is likely to infringe intellectual property rights or personal rights, unless the Claimant provides proof of a legitimate interest and is acting in good faith";

Paragraph 3: "The domain name is identical or similar to that of the French Republic, a local authority or grouping of local authorities or a national or local institution or public service, unless the Claimant provides proof of a legitimate interest and is acting in good faith".



**Any request filed on grounds other than those set forth in Article L.45-2 of the CPCE will be declared inadmissible by the College or the Expert.**



"L.45-2 paragraph 1 of the CPCE: when a domain name infringes the law": [read the blog](#)

"The defence of personality rights in Syreli": [read the blog](#)



## Find our rulings relating to this subject

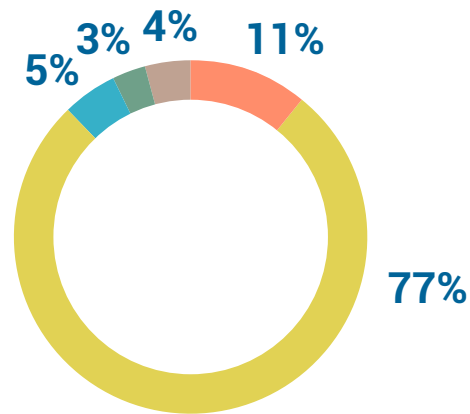
- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - Paragraph 1:  
**L.45-2-1 DU CPCE**
  - Paragraph 2:  
**L.45-2-2 DU CPCE**
  - Paragraph 3:  
**L.45-2-3 DU CPCE**

## Grounds for the request

### Some figures

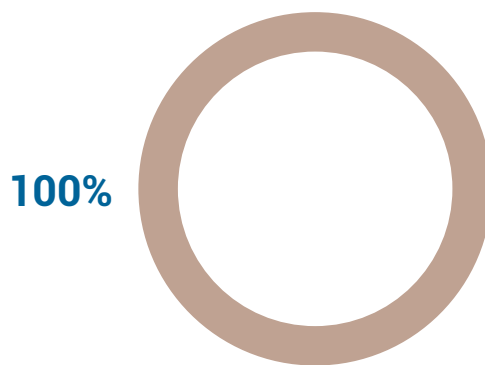
#### For Syreli

- L45-2 paragraph 1 of the CPCE
- L45-2 paragraph 2 of the CPCE
- L45-2 paragraph 3 of the CPCE
- Several basis
- No legal basis



#### For PARL Expert

- Article L.45-2 1 of the CPCE
- Article L.45-2 2 of the CPCE
- Article L. 45-2 3 of the CPCE
- Several basis
- No legal basis



## In the event of the Holder's agreement

### The College or the Expert takes due note of the Holder's agreement if and only if:

1. The Claimant has standing and is eligible under the .fr naming policy
2. The Holder's agreement is explicit
3. The agreement is to the transfer to the Claimant and not to a third party

In Syreli, **8%** of Claimants obtained the Holder's agreement, as against **9%** for Expert ADR.

In the absence of any of these criteria, the College or the Expert will continue to study the case considering that the Holder does not agree to the transfer or deletion of the domain name.

### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - Holder's agreement:  
**ACCORD DU TITULAIRE**
  - Non-explicit agreement of the Holder:  
**ACCORD DU TITULAIRE > non constaté**
  - Implied agreement of a Holder whose data have been misappropriated:  
**ACCORD DU TITULAIRE > usurpation d'identité**

## In case of refusal or lack of response from the Holder

### □ The College or the Expert will examine the infringement of the provisions of Article L.45-2 of the CPCE, analysing:

#### 1. The infringement of rights invoked by the Claimant

The College or the Expert will examine:

- for a request based on **Article L.45-2 paragraph 1**, evidence of the domain name's offending public order or morality or infringing rights guaranteed by the Constitution or by the law;
- for a request based on **Article L.45-2 paragraph 2**, evidence of the existence of intellectual property or personality rights prior to the disputed domain name;
- for a request based on **Article L.45-2 paragraph 3**, evidence:
  - of similarity between the disputed domain name and that of the French Republic, a local or regional authority, a grouping of such authorities, a national or local public institution or service and
  - of the prior nature of the right invoked.



In rare cases the Syreli College has admitted the infringement of rights subsequent to the disputed domain name: FR-2021-02368 cbdoo.fr, FR-2021-02378 gomesse.fr, FR-2021-02272 eat.fr

#### 2. Proof of the Holder's lack of legitimate interest or bad faith, except in the cases provided in Article L.45-2 paragraph 1 of the CPCE.



*"Syreli: can one rely on a subsequent right to a domain name to win a case?": [read the blog](#)*  
*"L.45-2 paragraph 1 of the CPCE: When a domain name disrupts the French law": [read the blog](#)*  
*"The defense of personality rights in the SYRELI procedure": [read the blog](#)*

## Cases provided in Article L.45-2 paragraph 1 of the CPCE

In accordance with the provisions of Article L.45-2 paragraph 1, the Claimant's merely providing evidence of the infringement exempts it from providing evidence of the Holder's lack of legitimate interest or bad faith. Indeed, once the Holder infringes these provisions it cannot *de facto* prove a legitimate interest or its good faith.

By way of example, the College has already ruled that domain names infringed:

- the law governing the monopoly of retail sales of manufactured tobacco products;
- the law prohibiting the use of any name including the terms "mutual" or terms deriving from it by entities that are not governed by the provisions of the *Code de la Mutualité* [in essence, mutual insurance companies];
- rights guaranteed by the law when it was able to establish explicitly from the documents filed that as a result of the registration of a domain name the Claimant was a victim of fraud;
- a right guaranteed by the law, by virtue of Article 1240 of the Civil Code, when a domain name identical or similar to the pre-existing distinctive sign (logo, company name, domain name, AOC, AOP, etc.) of the Claimant, who can prove a right to said sign, has been registered mainly with a view to profiting from the Claimant's reputation by creating confusion in consumers' minds.



"L.45-2 paragraph 1 of the CPCE: When a domain name disrupts the French law": [read the blog](#)

"Domain name litigation: recognition of the rights of a controlled designation of origin (AOC) in Syreli": [read the blog](#)



### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - 1st line of keywords:  
**L.45-2-1 DU CPCE**
  - To narrow the selection of the rulings handed down on the 1st paragraph of Article L.45-2 of the CPCE, add the desired keywords from the following list:  
**ATTEINTE AUX DROITS > atteinte à des droits garantis par la loi > IVG**  
**ATTEINTE AUX DROITS > atteinte à des droits garantis par la loi > vente au détail de tabacs manufacturés**  
**ATTEINTE AUX DROITS > atteinte à des droits garantis par la loi > exercice de la profession de pharmacien**  
**ATTEINTE AUX DROITS > atteinte à des droits garantis par la loi > code de la mutualité**  
**ATTEINTE AUX DROITS > atteinte à des droits garantis par la loi > escroquerie**  
**ATTEINTE AUX DROITS > atteinte à des droits garantis par la loi > signe distinctif > ...**

## Some figures

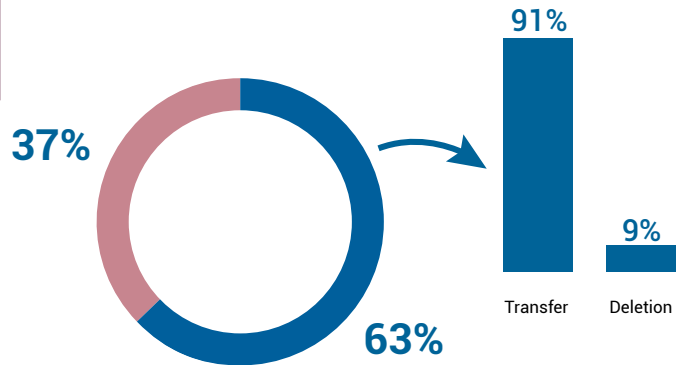
### For Syreli

215 rulings handed down

**63%**  
rulings approving claims

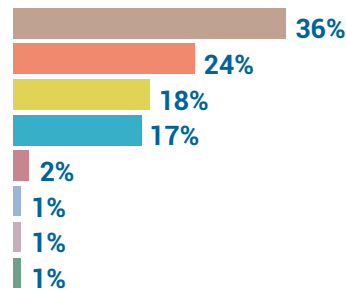
of which 91% transfer rulings  
and 9% deletion rulings

**37%**  
rulings rejecting claims



### Reasons for acceptance of claims

- Infringement of a logo/company name/ trade name/acronym/...
- Fraud
- Holder's agreement
- Infringement of a domain name
- Illicit online sale of product
- Infringement of an AOC (Appellation d'Origine Contrôlée)
- Wrongful use of term
- Infringement of an application name



### Reasons for rejection of claims

- Missing document
- Judicial procedure in progress
- Domain name pre-dates Claimant's rights
- Contractual relations between the Parties
- Lack of power of representation



No PARL EXPERT rulings have been handed down on these grounds.

## Cases provided in Article L.45-2 paragraph 2 of the CPCE

The College or the Expert considers that the domain name is likely to infringe **intellectual property rights** when the Claimant can prove:

- a right valid in France: registration of a trademark, title to a creative work,
- the prior nature of this right to the disputed domain name.

The College or the Expert considers that the domain name is likely to infringe **personality rights** when the Claimant, whether a natural or a legal person, can prove:

- his/her/its identity: national ID card, passport, Kbis (Chamber of Commerce extract) of the company, etc.
- the prior nature of this personality right to the disputed domain name (date of birth, date of incorporation, etc.)

A mere request for trademark registration is not enough; give preference for example to certificates of registration.

In rare cases, the Syreli College has admitted infringement of rights subsequent to the disputed domain name: FR-2021-02368 cbdoo.fr, FR-2021-02378 gomesse.fr, FR-2021-02272 eat.fr

**The classification as infringement of rights invoked by the Claimant is not sufficient to win a case; the Claimant must also provide proof of the Holder's lack of legitimate interest or bad faith.**



“Syreli: trademark vs. a pet’s name”: [read the blog](#)

“ADR: is ‘damage to the trademark’ enough to win a case?” : [read the blog](#)

“Syreli: can one rely on a later right to a domain name to win a case?”: [read the blog](#)



### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - 1st line of keywords:  
**L.45-2-2 DU CPCE**
  - To narrow the selection of the rulings handed down on the 2nd paragraph of Article L.45-2 of the CPCE, add the desired keywords from the following list:  
**ATTEINTE AUX DROITS > atteinte à des droits de Propriété Intellectuelle > ...**  
**ATTEINTE AUX DROITS > atteinte à des droits de la personnalité > ...**



## Some figures

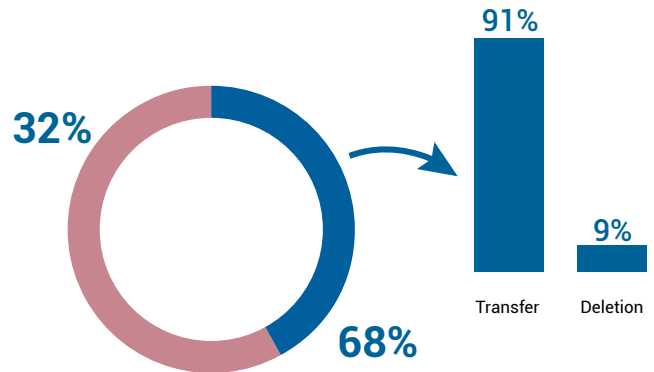
### For Syreli

1,468 rulings handed down

**68%**  
rulings approving claims

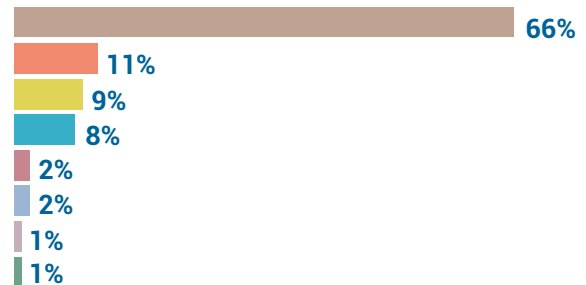
of which 91% transfer rulings  
and 9% deletion rulings

**32%**  
rulings rejecting claims



### Reasons for acceptance of claims

- Profiting from reputation by creating a risk of confusion
- Holder's agreement
- Commercial use with the intention of misleading
- Body of evidence
- Domain name registered mainly with a view to selling it to a rights holder
- To prevent registration by a rights holder
- Damage to the Claimant's reputation
- Legal disappearance of the Holder/loss of right



### Reasons for rejection of claims

- Missing document
- Domain name pre-dates Claimant's rights
- Claimant not eligible under the naming policy
- Claimant's lack of standing
- Lack of power of representation
- Contractual relations between the Parties
- Judicial procedure in progress
- Holder's good faith



## Some figures

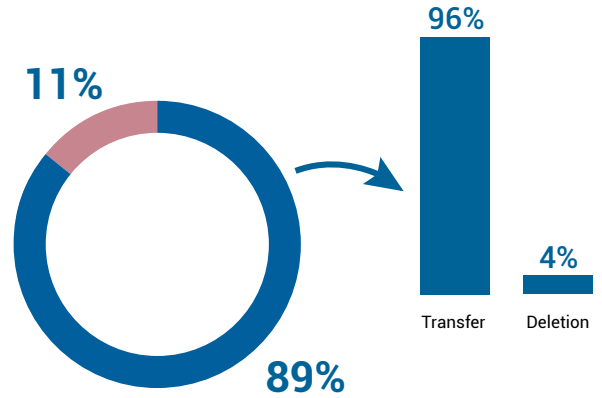
### For PARL Expert

54 rulings handed down

**89%**  
rulings approving claims

of which 96% transfer rulings  
and 4% deletion rulings

**11%**  
rulings rejecting claim



### Reasons for acceptance of claims

- Profiting from reputation by creating a risk of confusion
- Commercial use with the intention of misleading consumers
- Holder's agreement
- Body of evidence



### Reasons for rejection of claims

- Missing document
- Claimant not eligible under the naming policy



## Cases provided in Article L.45-2 paragraph 3 of the CPCE

The College or the Expert considers that the domain name is identical or similar to that of the French Republic, a local authority or grouping of local authorities or a national or local institution or public service when the Claimant proves:

- its existence: ministerial order, INSEE (National Statistics Institute) sheet, decree, etc.;
- the prior nature of its name relative to the disputed domain name.



**The classification as infringement is not sufficient to win a case; the Claimant must provide proof of the Holder's lack of legitimate interest or bad faith.**



### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - 1st line of keywords:  
**L.45-2-3 DU CPCE**
  - To narrow the selection of the rulings handed down on the 3rd paragraph of Article L.45-2 of the CPCE, add the desired keywords from the following list:
    - ATTEINTE AUX DROITS > identique / apparenté à la République française**
    - ATTEINTE AUX DROITS > identique / apparenté à un groupement de collectivités territoriales**
    - ATTEINTE AUX DROITS > identique / apparenté à un service public**
    - ATTEINTE AUX DROITS > identique / apparenté à un établissement public**
    - ATTEINTE AUX DROITS > identique / apparenté à une collectivité territoriale**
    - ATTEINTE AUX DROITS > identique / apparenté à une institution nationale**

## Some figures

### For Syreli

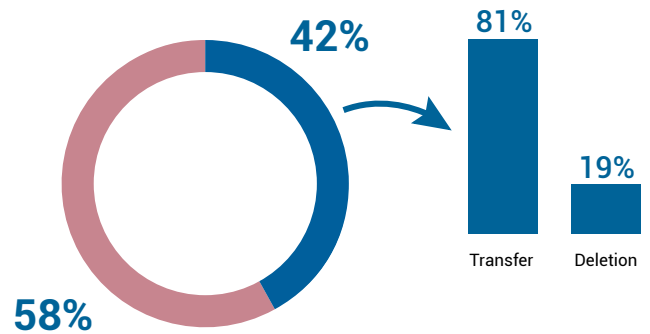
74 rulings handed down

- of which **60%** identical or similar to a regional or local authority
- 16%** identical or similar to a public service
- 15%** identical or similar to a public establishment
- 9%** identical or similar to a national institution

**42%**  
rulings approving claims

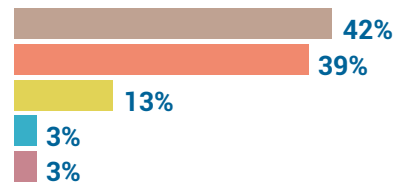
of which 81% transfer rulings  
and 19% deletion rulings

**58%**  
rulings rejecting claims



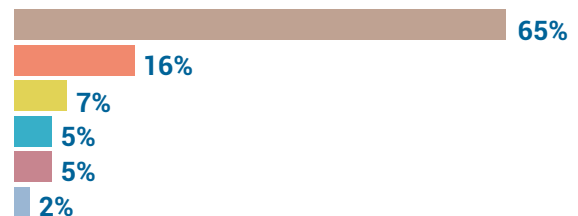
#### Reasons for acceptance of claims

- Body of evidence
- Profiting from reputation by creating a risk of confusion
- Holder's agreement
- Commercial use with the intention of misleading
- To prevent registration by a rights holder



#### Reasons for rejection of claims

- Missing document
- Domain name pre-dates Claimant's rights
- Claimant's lack of standing
- Lack of power of representation
- Contractual relations between the Parties
- Holder's good faith



No PARL EXPERT rulings have been handed down on these grounds.

# Holder's legitimate interest

Article R.20-44-46 of the CPCE

## The Holder has a legitimate interest if

1. He uses (or shows that he has prepared to use) the domain name in the context of an offer of goods or services
2. He is known under an identical or similar name to this domain name EVEN in the ABSENCE of rights
3. He makes non-commercial use of the domain name:
  - with no intention of misleading consumers,
  - or
  - without damaging the reputation of a name to which a right is recognised or established.

In the event of a lack of legitimate interest, the College or the Expert will grant the measure requested by the Claimant

 **Non-exhaustive list**

The College or the Expert will then assess the Holder's bad faith.

## Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - Holder's lack of legitimate interest:
    - ABSENCE D'INTÉRÊT LÉGITIME > nuire à la réputation**
    - ABSENCE D'INTÉRÊT LÉGITIME > perte de droit**
    - ABSENCE D'INTÉRÊT LÉGITIME > titulaire revendeur**
    - ABSENCE D'INTÉRÊT LÉGITIME > usage commercial**
    - ABSENCE D'INTÉRÊT LÉGITIME > faisceau d'indices**
    - ABSENCE D'INTÉRÊT LÉGITIME > ne peut ignorer l'existence**
    - ABSENCE D'INTÉRÊT LÉGITIME > non éligibilité du titulaire**
    - ABSENCE D'INTÉRÊT LÉGITIME > pas d'offre de biens ou de services**
    - ABSENCE D'INTÉRÊT LÉGITIME > impossibilité de se prononcer - relation contractuelle**
    - ABSENCE D'INTÉRÊT LÉGITIME > intention de tromper le consommateur / les fournisseurs**
  - Classification of Holder's legitimate interest:
    - INTÉRÊT LÉGITIME > connu sous un nom identique ou apparenté**
    - INTÉRÊT LÉGITIME > offre de biens ou de services**
    - INTÉRÊT LÉGITIME > usage non commercial**

## Bad faith of the Holder

Article R.20-44-46 of the CPCE

### The College or Expert considers a Holder to be acting in bad faith if:

**Paragraph 1.** It has obtained or requested registration of the domain name primarily with a view to selling, renting or transferring it [...] and not for the purpose of actually operating it (see following pages);

**Paragraph 2.** It has obtained or requested registration of the domain name with the aim of damaging the reputation (see following pages) of the Claimant or of a product or service similar to or associated with this name;

**Paragraph 3.** It has obtained or requested registration of the domain name with the primary aim of profiting from the Claimant's reputation by creating confusion in consumers' minds (see following pages).

If bad faith is established, the College or the Expert will grant the measure requested.

#### Non-exhaustive list

Other indications of bad faith have also been taken into account by the College or the Expert (see hereunder). Certain Syreli rulings have also recognised the Holder's good faith in particular cases.

### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - Domain name registered with a view to disrupting commercial relations and/or preventing registration by a rights holder:  
**MAUVAISE FOI > empêcher l'enregistrement**
  - Bad faith established on the basis of a body of evidence:  
**MAUVAISE FOI > faisceau d'indices**
  - Holder's good faith:  
**BONNE FOI > activité distincte**

## Bad faith of the Holder

### Interpretation of Article R.20-44-46 paragraph 1 of the CPCE

Paragraph 1: "The fact of having obtained or requested registration of the domain name primarily with a view to selling, renting or transferring it [...] and not for the purpose of actually operating it, can be characterised as bad faith."



### The College or the Expert must:

1. Determine whether the Holder can show operation of the domain name prior to its proposed sale
  - If so, the criterion of bad faith cannot be upheld
2. Study whether the proposed sale, rental or transfer of the domain name is the Holder's main aim
  - If so, the criterion of bad faith can be upheld



### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - 1st line of keywords:
    - MAUVAISE FOI > louer un nom de domaine sans exploitation**
    - MAUVAISE FOI > transférer un nom de domaine sans exploitation**
    - MAUVAISE FOI > vendre un nom de domaine sans exploitation**
  - To narrow the selection of the rulings classifying the holder's bad faith, add the desired keywords from the following list:
    - MAUVAISE FOI > pratique abusive > typosquatting**
    - MAUVAISE FOI > pratique abusive > hameçonnage**
    - MAUVAISE FOI > pratique abusive > page parking**
    - MAUVAISE FOI > pratique abusive > usurpation d'identité**
    - MAUVAISE FOI > pratique abusive > cybersquatting**
    - MAUVAISE FOI > pratique abusive > détournement de procédure administrative**

## Bad faith of the Holder

### Interpretation of Article R.20-44-46 paragraph 2 of the CPCE

Paragraph 2: "The fact of having obtained or requested registration of the domain name with the aim of damaging the reputation of the Claimant or of a product or service similar to or associated with this name can be characterised as bad faith."

### The College or the Expert must:

1. Study whether the domain name damages the reputation of the Claimant OR an associated product or service
2. Determine whether the damage exists in consumers' minds (renown of the product, the brand, the Claimant, etc.)
  - If so, the criterion of bad faith can be upheld



### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - 1st line of keywords:  
**MAUVAISE FOI > nuire à la réputation**
  - To narrow the selection of the rulings classifying the holder's bad faith, add the desired keywords from the following list:  
**MAUVAISE FOI > pratique abusive > typosquatting**  
**MAUVAISE FOI > pratique abusive > hameçonnage**  
**MAUVAISE FOI > pratique abusive > page parking**  
**MAUVAISE FOI > pratique abusive > usurpation d'identité**  
**MAUVAISE FOI > pratique abusive > cybersquatting**  
**MAUVAISE FOI > pratique abusive > détournement de procédure administrative**



## Bad faith of the Holder

### Interpretation of Article R.20-44-46 paragraph 3 of the CPCE

Paragraph 3: "The fact of having obtained or requested registration of the domain name with the primary aim of profiting from the Claimant's reputation by creating confusion in consumers' minds can be characterised as bad faith."

### The College or the Expert must:

1. Determine whether the domain name was registered mainly with a view to profiting from the renown of the Claimant OR of an associated product or service
2. Study, in light of the documents, whether the domain name creates a risk of confusion in consumers' minds (renown of the product, the brand, the Claimant, etc.)
  - If so, the criterion of bad faith can be upheld

 **It is not sufficient for the Claimant to state that it is known in its sector of activity; it must prove it.**

**A French Holder cannot claim ignorance of or ignore the reputation of major companies established in France.**

### Find our rulings relating to this subject

- Go to the search engine at: <https://www.syreli.fr/fr/decisions>
- Check the procedure(s) you wish to search: Syreli and/or PARL EXPERT
- Select one of the following keywords:
  - 1st line of keywords:
    - MAUVAISE FOI > profiter de la renommée**
    - MAUVAISE FOI > risque de confusion**
  - To narrow the selection of the rulings classifying the holder's bad faith, add the desired keywords from the following list:
    - MAUVAISE FOI > pratique abusive > typosquatting**
    - MAUVAISE FOI > pratique abusive > hameçonnage**
    - MAUVAISE FOI > pratique abusive > page parking**
    - MAUVAISE FOI > pratique abusive > usurpation d'identité**
    - MAUVAISE FOI > pratique abusive > cybersquatting**
    - MAUVAISE FOI > pratique abusive > détournement de procédure administrative**

## Our essential sections

The Syreli platform: [www.syreli.fr](http://www.syreli.fr)

Syreli rulings: [www.syreli.fr/decisions](http://www.syreli.fr/decisions)

The Expert ADR platform: <https://www.parl-expert.fr>

Expert ADR rulings: <https://www.parl-expert.fr/fr/decisions>

Our legal brochures:

<https://www.afnic.fr/en/observatory-and-resources/documents-to-consult-or-download/practical-guides/>

- Guide for rights holders
- Guide for name holders
- Brochure "Facilitating dispute resolution"

### **Are you using the ADR platforms for the first time?**

Check out the use tutorials for each platform under "Resources"

- How to create an account
- How to file a SYRELI claim (Claimant)
- How to respond to a SYRELI claim (Holder)