

# RULES FOR THE REGISTRATION OF A DEDICATED FROGANS NETWORK DURING THE PRIORITY REGISTRATION PERIOD FOR TRADEMARKS HOLDERS

Published by the OP3FT, a non-profit organization whose purpose is to hold, promote, protect and ensure the progress of the Frogans technology, in the form of an open standard for the Internet, available to all, free of charge.

Adopted on March 27, 2015 — In force: April 2, 2015

<b>TABLE OF CONTENTS</b>
--------------------------

INTRODUCTION . . . . .	2
1. LEGAL ENVIRONMENT . . . . .	5
1.a. Frogans Technology User Policy . . . . .	5
1.b. Uniform Dispute Resolution Policy for Frogans Addresses . . . . .	6
1.c. Fees for the addressing services provided by the FCR Operator to FCR Account Administrators . . . . .	6
2. ELIGIBLE TRADEMARKS . . . . .	7
2.a. Accepted trademarks . . . . .	8
2.b. Refused trademarks . . . . .	8
3. DETERMINATION OF THE NETWORK NAME . . . . .	9
3.a. Syntax rules . . . . .	9
3.b. Selection of the linguistic category . . . . .	9
3.c. Creation of the Network Name . . . . .	11
4. AVAILABILITY OF A NETWORK NAME . . . . .	12
4.a. "First-come, first-served" principle . . . . .	12
4.b. Availability rules . . . . .	12
5. REGISTRATION PROCEDURE . . . . .	13
5.a. Role of FCR Account Administrators . . . . .	13
5.b. Information declared by the Holder concerning the trademark . . . . .	15
5.c. Choice of the duration of the initial period of the registration . . . . .	16
5.d. Confirmation of contact information . . . . .	16
6. PUBLICATION OF REGISTRATIONS AND DECLARED INFORMATION . . . . .	17
6.a. FCR Whois Database . . . . .	17
6.b. FCR Public Data . . . . .	18
7. VERIFICATION OF DECLARED INFORMATION CONCERNING A TRADEMARK . . . . .	19
7.a. Absence of verification of rights during the registration procedure . . . . .	19
7.b. Report by a third party of an abusive registration . . . . .	19
7.c. Duties of the Holder in the event of verification . . . . .	20

*This document concerns trademark holders that wish to register a Dedicated Frogans Network corresponding to their trademark during the priority registration period for trademark holders; it also concerns FCR Account Administrators that provide registration-management services for Dedicated Frogans Networks in the FCR to trademark holders during this period, as well as the FCR Operator.*

## INTRODUCTION

1. The OP3FT is a non-profit organization acting in the public interest. The OP3FT's purpose is to hold, promote, protect and ensure the progress of the Frogans technology, in the form of an open standard for the Internet, available to all, free of charge.
2. The Frogans technology enables the implementation, on the Internet, of a new software layer, called the Frogans layer, alongside other existing software layers, such as E-mail or the Web. The Frogans layer enables the publishing of a new type of site on the Internet, called Frogans Sites.
3. A Frogans Address is a string of characters used to identify a Frogans Site published on the Internet or in an intranet. The string of characters of a Frogans Address can contain international characters and can be written from left to right, or from right to left, depending on the writing system and the language.
4. In the writing direction, the string of characters of a Frogans Address begins with a Network Name, followed by the asterisk character "\*" and ends with a Site Name. For example, in the case of the left-to-right writing direction, the pattern of a Frogans Address is:

Network-Name\*Site-Name

5. Each Frogans Address belongs to a Frogans Network. There are three types of Frogans Networks:
  - Public Frogans Networks, each of which groups Frogans Addresses beginning with the Network Name "frogans" or the transcription of the name "frogans" into other writing systems or other languages; Frogans Addresses of a Public Frogans Network are used on the Internet;
  - Dedicated Frogans Networks, each of which groups a set of Frogans Addresses beginning with the same customizable Network Name; for example, the Network Name can designate a trademark, a generic term, a geographical name, a community name, etc.; Frogans Addresses of a Dedicated Frogans Network are used on the Internet;
  - Internal Frogans Networks, each of which groups a set of Frogans Addresses beginning with the Network Name "intranet" or the translation of the word "intranet" in other languages; Frogans Addresses of an Internal Frogans Network are used in an intranet.
6. Frogans Addresses and Frogans Networks are registered in a core database, called the Frogans Core Registry or FCR. This database belongs to the OP3FT. The technical and commercial operation of this database is delegated to an entity putting itself at the service of Internet users, in a manner comparable to registry operators for domain names on the Internet. This entity is called the FCR Operator.

7. Every time an End User opens, on his screen, a Frogans Site published on the Internet, the FCR Operator proceeds, on its servers, to the resolution of the Frogans Address of this Frogans Site.
8. A Frogans Address or a Frogans Network is registered and managed in the FCR through the intermediary of a person who has opened an administrator account in the FCR, called an FCR Account. This person is called an FCR Account Administrator.
9. The opening date of the FCR to Internet users is the date on which the FCR Operator proceeds, on its servers, to the first resolutions of Frogans Addresses, enabling the opening of Frogans Sites published on the Internet.
10. Prior to the opening date of the FCR to Internet users, two successive priority registration periods take place:
  - a priority registration period for trademark holders; during this period and thereafter, trademark holders can register Dedicated Frogans Networks whose Network Name corresponds to their trademark;
  - a priority registration period for entrepreneurs; during this period and thereafter, any person seeking to develop an initiative based on the publishing of Frogans Sites can register Dedicated Frogans Networks with a Network Name chosen by that person, e.g., a generic term, a geographical name, a community name, etc.
11. The opening date of the FCR to Internet users, as well as the other dates relative to the registration periods of Frogans Networks and Frogans Addresses, are announced, as they are set by the OP3FT, on the read-only mailing list “[announcement@lists.frogans.org](mailto:announcement@lists.frogans.org)”. Subscription to this read-only mailing list, as well as the archive of messages posted on this list, are accessible at the following permanent URL (Uniform Resource Locator): <https://lists.frogans.org/announcement/>.
12. This document defines the rules for the registration of a Dedicated Frogans Network during the priority registration period for trademark holders.
13. This document is published on the Web site of the FCR Operator at the following permanent URL: <https://fcr.frogans/en/resources/prp-tmh/access.html>.
14. The official version of this document is provided in the English language on the Web site of the FCR Operator. Translations in other languages can also be provided by the OP3FT for information purposes.
15. The priority registration period for trademark holders concerns trademarks holders which are interested in the Frogans project, its innovative nature, and the opportunities offered by the Frogans technology as regards publishing content on the Internet, and that wish to participate in this project by asserting their intellectual property rights in this new addressing space. The Frogans project is presented at the following permanent URL: <https://project.frogans.org/>.
16. As from the opening of the FCR to Internet users, trademark holders which have registered a Dedicated Frogans Network corresponding to their trademark during the priority registration period for trademark holders can register their Frogans Addresses and publish their first Frogans Sites on the Internet. For each Frogans Address, trademark holders can choose a Site Name reflecting the content of the corresponding Frogans Site.
17. The aim of the priority registration period for trademark holders is not to incite trademark holders to proceed to defensive registrations. If the Network Name is still available, a trademark holder will always be able to register a Dedicated Frogans Network corresponding to its trademark after the priority registration period, e.g., during the priority registration period for entrepreneurs, or later.

**18.** The fact that a trademark holder decides not to avail itself of the priority registration period for trademark holders cannot, under any circumstances, be interpreted by third parties as the trademark holder waving its right to use its trademark as the Network Name of a Dedicated Frogans Network.

**19.** If a trademark holder notes an abusive use of its intellectual property rights by the Holder of a Dedicated Frogans Network, it can at any time:

- use the administrative proceeding for the resolution of disputes under the Uniform Dispute Resolution Policy for Frogans Addresses (UDRP-F proceeding);
- report, to the OP3FT, a breach of the duties defined in this document or in the Frogans Technology User Policy; or
- take legal action against the Holder of the disputed Dedicated Frogans Network.

**20.** In order to define and provide a framework for the priority registration period for trademark holders, the OP3FT was inspired by the concept of Sunrise periods which are organized by domain name registries at the time of launching. However, within the context of the ICANN new gTLD program, these Sunrise periods have multiplied and trademark holders frequently express their discontent at being excessively solicited through frequent launches of new extensions. In this context, in order to meet trademark holder expectations, the OP3FT decided to unify and simplify, as much as possible, the registration procedure from the administrative and technical perspectives, in particular in order to avoid additional direct or indirect costs during the registration.

**21.** This document consists of seven parts: the legal environment (part 1), eligible trademarks (part 2), the determination of the Network Name (part 3), the availability of a Network Name (part 4), the registration procedure (part 5), the publication of registrations and declared information (part 6), and the verification of declared information concerning a trademark (part 7).

## 1. LEGAL ENVIRONMENT

22. This part covers the legal environment applicable to the registration of the Dedicated Frogans Network during the priority registration period for trademark holders.

23. This part presents the Frogans Technology User Policy (section 1.a), the Uniform Dispute Resolution Policy for Frogans Addresses (section 1.b) and the fees for the addressing services provided by the FCR Operator to FCR Account Administrators (section 1.c).

### 1.a. FROGANS TECHNOLOGY USER POLICY

24. The Frogans technology is held by the OP3FT as part of its public-interest mission.

25. Any person intending to use the Frogans technology must comply with a policy elaborated and adopted by the OP3FT. This policy, referred to as the Frogans Technology User Policy, is published on the official Web site of the Frogans technology at the following permanent URL: <https://www.frogans.org/en/resources/ftup/access.html>.

26. This document is incorporated by reference in the Frogans Technology User Policy.

27. The trademark holder which registers a Dedicated Frogans Network corresponding to its trademark during the priority registration period for trademark holders becomes the Holder of a Dedicated Frogans Network under the Frogans Technology User Policy. In this regard, the trademark holder undertakes to respect the Frogans Technology User Policy, in particular section II.1. This holder also undertakes to respect its duties, as defined in this document.

28. The Holder of a Dedicated Frogans Network is the one and only Holder of all the Frogans Addresses of this Dedicated Frogans Network.

29. Registering in the FCR a Dedicated Frogans Network corresponding to a trademark does not grant the OP3FT nor the FCR Operator any intellectual property right to the trademark.

30. An FCR Account Administrator which provides registration-management services for Dedicated Frogans Networks in the FCR to trademark holders during the priority registration period for trademark holders becomes an FCR Account Administrator under the Frogans Technology User Policy. In this regard, the FCR Account Administrator undertakes to respect the Frogans Technology User Policy, in particular section II.2. The FCR Account Administrator also undertakes to respect its duties, as defined in this document.

31. On completion of the priority registration period for trademark holders, with the exception of the registration procedure (part 5) which will no longer be applicable, the rights and duties defined in this document continue to produce their effects or, as applicable, are replaced by the rights and duties defined in new versions of the Frogans Technology User Policy, as they enter into force.

32. In case of contradiction between, on the one hand, a clause or a definition contained in the Frogans Technology User Policy and, on the other hand, a clause contained in this document, only the Frogans Technology User Policy shall apply, and the contradictory information is not to be taken into account.

33. In case of a breach of its duties by a trademark holder which registers a Dedicated Frogans Network corresponding to its trademark during the priority registration period for trademark holders, the termination procedure for breach of duty detailed in section IV.5 of the Frogans Technology User Policy applies. This procedure can lead to the cancellation of the registration of the Dedicated Frogans Network.

34. In case of a breach of its duties by an FCR Account Administrator, the termination procedure for breach of duty detailed in section IV.5 of the Frogans Technology User Policy applies. This procedure can lead to the closure of the FCR Account.

## **1.b. UNIFORM DISPUTE RESOLUTION POLICY FOR FROGANS ADDRESSES**

35. With a view to protecting trademark holders from abusive registrations of Frogans Addresses and of Frogans Networks in the FCR, the OP3FT has adapted the Uniform Domain Name Dispute Resolution Policy (UDRP) and its Rules, which are in force in each registry operated under a delegation agreement with ICANN, by transposing them to Frogans Addresses and Frogans Networks. The resulting Policy, called the Uniform Dispute Resolution Policy for Frogans Addresses (UDRP-F), and its Rules are published on the official Web site of the Frogans technology at the following permanent URL: <https://www.frogans.org/en/resources/udrpf/access.html>.

36. The trademark holder which registers a Dedicated Frogans Network corresponding to its trademark during the priority registration period for trademark holders undertakes, in its capacity as a Network Name holder, to respect the Uniform Dispute Resolution Policy for Frogans Addresses, and to abide by its Rules of Procedure. The Uniform Dispute Resolution Policy for Frogans Addresses is between the FCR Operator and the Holder.

37. In case of an UDRP-F proceeding concerning a Dedicated Frogans Network, information on the proceeding is included in the administrative information on the Dedicated Frogans Network registration which is contained in the FCR Whois Database.

## **1.c. FEES FOR THE ADDRESSING SERVICES PROVIDED BY THE FCR OPERATOR TO FCR ACCOUNT ADMINISTRATORS**

38. In order to provide registration-management services to Holders of Frogans Addresses and Frogans Networks, FCR Account Administrators subscribe to the addressing services provided by the FCR Operator.

39. The fees for the addressing services provided by the FCR Operator to FCR Account Administrators are presented in a document elaborated by the OP3FT and published on the Web site of the FCR Operator at the following permanent URL: <https://fcr.frogans/en/resources/fcr-fees/access.html>.

40. This document also describes:

- the opening of an FCR Account, including the general functioning of the account;
- the crediting of an FCR Account, including payment and invoicing;
- the closing of an FCR Account, including the conditions for the reimbursement of the balance of the account.

41. FCR Account Administrators are free to set the fees for services they provide to Holders of Frogans Addresses and of Frogans Networks, depending on the added value of these services.
42. When an FCR Account Administrator provides a registration-management service to Holders of Frogans Addresses and of Frogans Networks, and this service involves the subscription by the FCR Account Administrator to a paying addressing service provided by the FCR Operator, the FCR Account Administrator undertakes not to invoice this registration-management service at a price less than the price of the addressing service subscribed.
43. An FCR Account Administrator can provide a bundled service which includes a registration-management service for Frogans Addresses or for Frogans Networks, as well as one or more additional services, e.g. a service to create or to host Frogans Sites. In this case, if providing the registration-management service involves the subscription by the FCR Account Administrator to a paying addressing service provided by the FCR Operator, the FCR Account Administrator undertakes not to invoice the bundled service at a price less than the price of the addressing service subscribed.
44. The fees for the addressing services provided by the FCR Operator are applied in the same manner to all FCR Account Administrators without distinction. No discount nor special conditions can be granted by the FCR Operator to any FCR Account Administrator.
45. FCR Account Administrators credit their FCR Account in advance in order to be able to provide their registration-management services to Holders of Frogans Addresses and of Frogans Networks.
46. In case of cancellation of the registration of a Frogans Address or of a Frogans Network before its expiration, and regardless of the reason for cancellation, the FCR Operator does not re-credit the account of the FCR Account Administrator concerned for the remaining duration of the registration of the Frogans Address or of the Frogans Network.
47. The fees for the addressing services provided by the FCR Operator to FCR Account Administrators are set under the control of the OP3FT. In compliance with the OP3FT Bylaws, any revision of the fees for the addressing service provided by the FCR Operator to FCR Account Administrators is necessarily the subject of a prior public consultation procedure.
48. The fees for the addressing services provided by the FCR Operator to the FCR Account Administrators during the priority registration period for trademark holder are identical to those which will be applied on completion of this period.

## 2. ELIGIBLE TRADEMARKS

49. This part covers the eligible trademarks during the priority registration period for trademark holders.
50. This part presents accepted trademarks (section 2.a) and refused trademarks (section 2.b).

## 2.a. ACCEPTED TRADEMARKS

51. For a trademark to be eligible during the priority registration period for trademark holders, it is necessary that the trademark be:

- a trademark registered with the international office: WIPO;
- a trademark registered with a regional office, such as OHIM or OAPI;
- a trademark registered with a national office, such as SIPO for China, USPTO for the United States of America, ROSPATENT for the Russian Federation, or INPI for France;
- a mark validated by a court decision; for example: an unregistered "Common Law" mark or a well-known mark; or
- a mark protected by a statute or treaty; for example: a geographical indication or a designation of origin.

52. To be eligible, it is also necessary that the trademark be:

- a word trademark, i.e. a trademark consisting of one or more terms which can be written or spoken; or
- a semi-figurative trademark, i.e. a trademark consisting of a visual representation and of one or more terms which can be written or spoken.

53. The terms composing the trademark may contain, e.g., words, letters or digits. The visual representation of the semi-figurative trademark can correspond, e.g., to a design, a symbol, an image or a graphical element.

54. The trademark can contain international characters and can include uppercase, lowercase, and accented characters. The trademark can be written from left to right, or from right to left, depending on the writing system and the language.

## 2.b. REFUSED TRADEMARKS

55. The following trademarks are not eligible during the priority registration period for trademark holders:

- trademarks which have not been definitively registered, such as trademark applications;
- trademarks registered with local offices or with offices of federated states;
- registered trademarks that were subject to successful invalidation, cancellation, opposition, or rectification proceedings;
- unregistered trademarks, such as the so-called "Common Law" marks, which have not been validated by a court decision.
- figurative trademarks, i.e. trademarks consisting only of a visual representation; and
- sound trademarks, i.e. trademarks consisting of sounds.



## 3. DETERMINATION OF THE NETWORK NAME

56. This part covers the rules used to determine the Network Name of a Dedicated Frogans Network corresponding to a trademark during the priority registration period for trademark holders.

57. This part presents the syntax rules (section 3.a), the selection of the linguistic category (section 3.b) and the creation of the Network Name (section 3.c).

### 3.a. SYNTAX RULES

58. The Network Names and Site Names making up Frogans Addresses are subject to syntax rules which are defined in the IFAP (International Frogans Address Pattern) and FACR (Frogans Address Composition Rules) technical specifications. These technical specifications are published on the Web site "frogans.org".

59. The IFAP technical specification defines the rules associated with the pattern of Frogans Addresses. These rules cover, in particular, the structure of Frogans Addresses, their length and the method used to determine whether two Frogans Addresses are identical. The structure of Frogans Addresses includes the asterisk character "\*" which is used as a separator between the Network Name and the Site Name. The Network Name and the Site Name can contain international characters. The length of a Network Name is limited to between 1 and 28 characters. The length of a Site Name is limited to between 1 and 28 characters.

60. The FACR technical specification defines the rules associated with the composition of Frogans Addresses. These rules are organized around linguistic categories and focus on security. These rules cover, in particular, the employable characters, the arrangement rules and the method used to determine whether two Network Names or two Site Names of the same linguistic category or of different linguistic categories are convergent, i.e. excessively similar.

61. In order to determine the Network Name of a Dedicated Frogans Network corresponding to a trademark, this Network Name must comply with the syntax rules.

62. Any interested party can check whether a Network Name complies with the syntax rules, by running the action "Check the Availability of a Dedicated Frogans Network" in the HTML interface of the FCR API for the general public, which is accessible via Web browsers at the following permanent URL: <https://public.api.fcr.frogans/>.

### 3.b. SELECTION OF THE LINGUISTIC CATEGORY

63. To register a Dedicated Frogans Network, it is necessary to select the linguistic category of this Dedicated Frogans Network among the available linguistic categories, which are defined in the FACR technical specification.

64. The linguistic category of a Dedicated Frogans Network will apply to all Frogans Addresses of this Dedicated Frogans Network.

**65.** Each available linguistic category is associated with employable characters and with rules relative to the arrangement of characters in Network Names and Site Names. The linguistic category of the Dedicated Frogans Network is therefore selected in light of the character string corresponding to the trademark.

**66.** A linguistic category can correspond either to a group of languages using the same writing system, or to a language using one or more writing systems. The linguistic categories currently available are:

- "LC-Latin": this linguistic category corresponds to languages written with the Latin writing system, such as English, Spanish, Portuguese, French, Indonesian, Swahili, German, Javanese, Vietnamese, Turkish, Filipino, Italian or Polish;
- "LC-Chinese": this linguistic category corresponds to the Chinese language written with the Simplified Chinese and Traditional Chinese writing systems;
- "LC-Japanese": this linguistic category corresponds to the Japanese languages, written with the Hiragana, Katakana and Kanji writing systems;
- "LC-Korean": this linguistic category corresponds to the Korean language, written with the Hangul and Hanja writing systems;
- "LC-Arabic": this linguistic category corresponds to languages written with the Arabic writing system, such as Arabic, Urdu, Punjabi, Persian and Lahnda;
- "LC-Cyrillic": this linguistic category corresponds to languages written with the Cyrillic writing system, such as Russian, Ukrainian, Kazakh or Belarussian;
- "LC-Hebrew": this linguistic category corresponds to languages written with the Hebrew writing system, such as Hebrew, Yiddish, Ladino, Judeo-Persian, and Judeo-Arabic;
- "LC-Devanagari": this linguistic category corresponds to languages written with the Devanagari writing system, such as Hindi, Marathi, Bhojpuri, Awadhi and Nepali;
- "LC-Thai": this linguistic category corresponds to languages written with the Thai writing system, such as Thai, Northeastern Thai, Southern Thai, Northern Khmer, Kuy, Western Lawa and Eastern Lawa.
- "LC-Greek": this linguistic category corresponds to languages written with the Greek writing system, such as Modern Greek, Pontic Greek, Balkan Gagauz Turkish, and Tsakonian.

**67.** Depending on requests from Internet users, the FACR technical specification may be updated to include other writing systems and other languages. Writing systems and languages which are not included in any linguistic category of the FACR technical specification cannot be used to compose Frogans Addresses.

**68.** Frogans Addresses associated with the "LC-Arabic" and "LC-Hebrew" linguistic categories are written from right to left. Frogans Addresses associated with the other linguistic categories are written from left to right.

**69.** The linguistic category of a Dedicated Frogans Network does not limit the content of Frogans Sites identified by Frogans Addresses of this Dedicated Frogans Network. The content of these Frogans Sites can contain other languages in order to extend their audience.

### 3.c. CREATION OF THE NETWORK NAME

**70.** Once the linguistic category has been selected, the character string corresponding to the trademark is used to create the Network Name.

**71.** If all the trademark characters are employable characters of the linguistic category, then the Network Name is identical to the trademark.

**72.** If some trademark characters are not employable characters of the linguistic category, these characters are called special characters. For example, regardless of the linguistic category, the space character " ", the apostrophe character " ' " and the full-stop character " . " are special characters.

**73.** If the trademark contains special characters, then the Network Name cannot be identical to the trademark. A method can then be applied by the trademark holder in order to create a Network Name compliant with the syntax rules defined in section 3.a of this document.

**74.** This method consists in examining each character of the trademark successively, in the writing direction, in order to create the Network Name:

- if the examined character is not a special character, then the character is used as is;
- if the examined character is a special character, then the character can be either ignored, or replaced by a substitution character string.

**75.** The substitution character string which can replace a special character is:

- a description of the special character in a language corresponding to the linguistic category; the description must only contain employable characters of the linguistic category; the description can start, contain and/or end with a connector character which is one of the employable characters of the linguistic category, e.g. the hyphen-minus " - " character; or
- a connector character which is included in the employable characters of the linguistic category.

**76.** For example, if the selected linguistic category is "LC-Latin" and if the trademark contains a full-stop character " . ", then this special character can be either ignored or replaced by one of the following replacement characters: "dot", "-dot-", "punto", "point", "-", etc.

**77.** If the selected linguistic category is LC-Latin, LC-Cyrillic, or LC-Greek, some of the employable characters of the linguistic category are case-sensitive. The Network Name created must then respect the case of the character string corresponding to the trademark.

**78.** If the trademark contains special characters, several Network Names can be created on the basis of characters which compose the trademark. The trademark holder can then register one or more Dedicated Frogans Networks with the Network Name(s) of its choice.

**79.** Regardless of the rules applied to create a Network Name, the Network Name must be in compliance with the syntax rules defined in section 3.a of this document.

**80.** During the priority registration period for trademark holders, the trademark holder cannot create a Network Name using a translation, a transcription or an orthographic or phonetic variant of the character string corresponding to its trademark.

**81.** The trademark holder is solely responsible for the choice of the Network Name created.

## 4. AVAILABILITY OF A NETWORK NAME

**82.** This part covers the conditions of availability of a Network Name determined in compliance with part 3 of this document, in view of registering a Dedicated Frogans Network.

**83.** This part presents the "first-come, first-served" principle (section 4.a) and the availability rules (section 4.b).

### 4.a. "FIRST-COME, FIRST-SERVED" PRINCIPLE

**84.** In compliance with the OP3FT Bylaws, Network Names and Site Names which make up Frogans Addresses are allocated by the FCR Operator using the "first-come, first-served" principle in force on the Internet.

**85.** In application of this principle, if two trademarks with the same character string are held by two different holders, priority is given to the holder which first registers a Dedicated Frogans Network corresponding to its trademark during the priority registration period for trademark holders.

**86.** Trademarks with the same character string can be held by several holders, e.g. in the following cases:

- trademarks have been registered with different offices, e.g. with several national offices; or
- trademarks have been registered in different classes which correspond to different services and/or products.

**87.** If the trademark holder cannot register a Dedicated Frogans Network corresponding to its trademark because another trademark holder has already registered a Dedicated Frogans Network corresponding to a trademark with the same character string, the trademark holder will always have the possibility to register a Dedicated Frogans Network with another Network Name of its choice after the priority registration period for trademark holders, e.g., during the priority registration period for entrepreneurs, or later.

**88.** The registration of a Dedicated Frogans Network does not make unavailable a Network Name corresponding to a translation, a transcription, or an orthographic or phonetic variant of the Network Name of this Dedicated Frogans Network. However, in compliance with the IFAP technical specification, the registration of a Dedicated Frogans Network does make unavailable Network Names which only differ from the Network Name of this Dedicated Frogans Network as regards the case of their characters.

### 4.b. AVAILABILITY RULES

**89.** In order to be able to register a Dedicated Frogans Network during the priority registration period for trademark holders, the Network Name must be available.

**90.** The Network Name is available on the condition that it be:

- neither identical, according to the IFAP technical specification, to a reserved term or to the Network

Name of a Dedicated Frogans Network already registered in the FCR;

- nor excessively similar, according to the FACR technical specification, to a reserved term or to the Network Name of a Dedicated Frogans Network already registered in the FCR.

**91.** Reserved terms are terms corresponding to Network Names and Site Names whose registration in the FCR is reserved or whose usage is reserved. The beneficiaries of these reserved terms are, in particular, countries or international organizations. Reserved terms are defined in a document published on the Web site of the FCR Operator at the following permanent URL: <https://fcr.frogans/en/resources/reserved-terms/access.html>.

**92.** Any interested party can check whether a Network Name is available at a given time, by executing the action "Check the Availability of a Dedicated Frogans Network" in the HTML interface of the FCR API for the general public, which is accessible via Web browsers at the following permanent URL: <https://public.api.fcr.frogans/>.

## 5. REGISTRATION PROCEDURE

**93.** This part covers the registration procedure of a Dedicated Frogans Network during the priority registration period for trademark holders.

**94.** This part presents the role of FCR Account Administrators (section 5.a), the information declared by the Holder concerning the trademark (section 5.b), the choice of the duration of the initial period of the registration (section 5.c) and the confirmation of contact information (section 5.d).

### 5.a. ROLE OF FCR ACCOUNT ADMINISTRATORS

**95.** Trademark holders wishing to register a Dedicated Frogans Network corresponding to their trademark during the priority registration period for trademark holders must make use of the services of an FCR Account Administrator of their choice.

**96.** FCR Account Administrators are individuals or organizations which have opened an FCR Account and which, in their capacity as professionals, provide registration-management services for Frogans Addresses and for Frogans Networks in the FCR to Holders of Frogans Addresses and of Frogans Networks. FCR Account Administrators are intermediaries between Holders of Frogans Addresses or of Frogans Networks and the FCR Operator.

**97.** FCR Account Administrators are bound by a duty of good management of their FCR Account and by a general duty to provide advice to Holders of Frogans Addresses and of Frogans Networks.

**98.** Each FCR Account Administrator has a unique identifier assigned by the FCR Operator when opening its FCR Account. This identifier is called the FCR Account Administrator Identifier. An FCR Account Administrator can only open and use a single FCR Account.

**99.** In order to fulfill their role, FCR Account Administrators subscribe to the addressing services provided by the FCR Operator, under an agreement referred to as the FCR Account Administrator Agreement. This agreement is published on the Web site of the FCR Operator at the following permanent URL: <https://fcr.frogans/en/resources/fcraaa/access.html>.

**100.** Each FCR Account Administrator provides its registration-management services to Holders of Frogans Addresses and of Frogans Networks under an agreement called the Registration Agreement, which includes the conditions for providing registration-management services. These conditions, and in particular the financial conditions, are freely set between the FCR Account Administrator and Holders of Frogans Addresses and of Frogans Networks.

**101.** The Registration Agreement must include the FCR Account Administrator Identifier. The Registration Agreement must also include a statement stipulating that the FCR Account Administrator and the Holder of a Frogans Address or of a Frogans Network undertake to respect the Frogans Technology User Policy, and in particular, to comply with the provisions concerning their relations. This statement must be clearly given in the Registration Agreement and must refer to the Policy by way of the following permanent URL: <https://www.frogans.org/en/resources/ftup/access.html>.

**102.** The registration-management services provided by an FCR Account Administrator cover, in particular, the initial registration, the renewal and the cancellation of the registration of a Frogans Address or of a Frogans Network, the change of settings of a Frogans Address or of a Frogans Network, the update of contact information, the transfer of a Frogans Address or of a Frogans Network to a new Holder, and the retrieval of the management of the registration of a Frogans Address or of a Frogans Network.

**103.** An FCR Account Administrator shall always act according to the instructions given by Holders of Frogans Addresses and of Frogans Networks.

**104.** In addition to registration-management services, an FCR Account Administrator can provide additional services, subject to these additional services being presented separately from the registration-management services. For example, the FCR Account Administrator can provide services to create or to host Frogans Sites.

**105.** FCR Account Administrators are not subject to any accreditation procedure to open an FCR Account.

**106.** FCR Account Administrators shall be carefully chosen by Holders of Frogans Addresses and of Frogans Networks given the key role of the FCR Account Administrators in managing their Frogans Addresses and Frogans Networks. For example, some registration-management services provided by FCR Account Administrators, such as the renewal of a registration or changes to the settings of a Frogans Address or of a Frogans Network, do not require any confirmation by the Holder.

**107.** Any person wishing to become the Holder of a Frogans Address or of a Frogans Network can find the contact information of an FCR Account Administrator, and check that its FCR Account is active, by querying the FCR Whois Database using the FCR Account Administrator Identifier. The FCR Whois Database query service is available at the following permanent URL: <https://whois.fcr.frogans/>.

**108.** Any person wishing to become the Holder of a Frogans Address or of a Frogans Network and looking for an FCR Account Administrator can download, from the FCR Public Data, the complete list of FCR Account Administrators with their FCR Account Administrator Identifier. The FCR Public Data download service is available at the following permanent URL: <https://public-data.fcr.frogans/>.

**109.** In order to provide their registration-management services, FCR Account Administrators use a multi-stakeholder interface defined in the FCR-MSI (FCR Multi-Stakeholder Interface) technical specification. This technical specification is published on the Web site "fcr.frogans".

**110.** The FCR multi-stakeholder interface comprises an API (Application Programming Interface), called the FCR API, which is organized into sections, processes and actions. The language used for the FCR API is English. The FCR API can be used:

- manually, by executing actions in the HTML interface of the FCR API for FCR Account Administrators, which is accessible via Web browsers at the following permanent URL: <https://accadmin.api.fcr.frogans/>; or
- automatically, via custom programs written by developers in the usual programming languages, e.g., PHP, Java, C, etc.

**111.** During the priority registration period for trademark holders, only some of the sections, processes and actions of the FCR API are available.

**112.** It is possible for a Holder of several Frogans Addresses or of several Frogans Networks to entrust the management of registrations to different FCR Account Administrators. However, the FCR Account Administrator which manages the registration of a Dedicated Frogans Network or of an Internal Frogans Network necessarily also manages the registration of Frogans Addresses of this Frogans Network.

**113.** An FCR Account Administrator, if it wishes, can manage the registration of its own Frogans Addresses or of its own Frogans Networks in the FCR, without making use of the services of another FCR Account Administrator. Likewise, a Holder of a Frogans Address or of a Frogans Network can, if it wishes and if it has the required technical and administrative expertise, become an FCR Account Administrator in order to manage, by itself, the registration of its Frogans Addresses or of its Frogans Networks in the FCR.

## **5.b. INFORMATION DECLARED BY THE HOLDER CONCERNING THE TRADEMARK**

**114.** In order to register a Dedicated Frogans Network corresponding to a trademark during the priority registration period for trademark holders, the trademark holder must declare information concerning its trademark, by transmitting this information to its FCR Account Administrator. This information is then transmitted by the FCR Account Administrator to the FCR Operator when registering the Dedicated Frogans Network.

**115.** The information declared by a trademark holder is:

- for a registered trademark: the name of the registration office and the registration number; the registration office can be either the international office (WIPO), a regional office, or a national office.
- for a mark validated by a court decision: information on the court decision, including the official title or name of the court where the decision was taken, the country in which the decision was taken, the reference number of the decision, and the date on which the decision was taken or published.
- for a mark protected by a statute or treaty: information on the statute or treaty, including the title of the statute or treaty, the country in which the statute or treaty was adopted, the date on which the statute or treaty was adopted, and the date on which the statute or treaty came into full force and effect.

**116.** Any erroneous or false contact information provided by the trademark holder constitutes a breach of its duties.

### **5.c. CHOICE OF THE DURATION OF THE INITIAL PERIOD OF THE REGISTRATION**

**117.** In order to register a Dedicated Frogans Network corresponding to a trademark during the priority registration period for trademark holders, the trademark holder must choose the duration of the initial period of the registration of its Dedicated Frogans Network, in full years, and transmit this information to its FCR Account Administrator. The number of years is between one (1) and ten (10) years.

**118.** The initial period of the registration starts on the registration date of the Dedicated Frogans Network in the FCR.

**119.** In order to avoid additional costs for the trademark holders before it is technically possible to publish Frogans Sites on the Internet, the duration of the period between the registration date of the Dedicated Frogans Network in the FCR and the opening date of the FCR to Internet users is added by the FCR Operator, at no additional cost, to the duration chosen by the trademark holder.

**120.** The expiration date of the registration of the Dedicated Frogans Network will be set on the opening date of the FCR to Internet users, by adding the duration chosen by the trademark holder.

**121.** Once the FCR is opened to Internet users, the trademark holder will be able to choose, when renewing the registration of its Dedicated Frogans Network, the exact expiration date of the registration of its Dedicated Frogans Network so as to make it coincide with a date of its choice.

**122.** Upon the initial registration of a Dedicated Frogans Network or upon the renewal of its registration, the FCR Account Administrator undertakes to register the Dedicated Frogans Network in the FCR or to renew its registration for the exact duration chosen by the trademark holder, and to inform the trademark holder of the expiration date of the registration. For example, if the initial period of the registration chosen by the trademark holder is two (2) years, the FCR Account Administrator shall not register the Dedicated Frogans Network for a duration of one (1) year, and then renew the registration for one (1) year upon its expiration.

**123.** The trademark holder can check the expiration date of its Dedicated Frogans Network by querying the FCR Whois Database, available at the following permanent URL: <https://whois.fcr.frogans/>.

### **5.d. CONFIRMATION OF CONTACT INFORMATION**

**124.** To register a Dedicated Frogans Network corresponding to a trademark during the priority registration period for trademark holders, the trademark holder must transmit its contact information, including its E-mail address, to its FCR Account Administrator. This information is then transmitted by the FCR Account Administrator to the FCR Operator when registering the Dedicated Frogans Network.

**125.** During the registration process of the Dedicated Frogans Network, the FCR Operator sends an email to the trademark holder requesting it to confirm the accuracy of its contact information. If the trademark holder does not confirm its contact information in accordance with the instructions and within the deadline given in the email, the registration process will be abandoned. Therefore, it is essential that the trademark holder transmit a valid E-mail address to its FCR Account Administrator. Emails sent by the FCR Operator are written in the English language.



**126.** If the contact information of the trademark holder contained in the email is not accurate, then the trademark holder must inform its FCR Account Administrator so that the latter can revise the contact information. Once the contact information has been revised, the FCR Operator sends a new email to the trademark holder.

**127.** Any erroneous or false contact information provided by the trademark holder constitutes a breach of its duties.

## **6. PUBLICATION OF REGISTRATIONS AND DECLARED INFORMATION**

**128.** This part covers the publication of registrations of Dedicated Frogans Networks, including information declared by the Holders.

**129.** This part presents the FCR Whois Database (section 6.a) and the FCR Public Data (Section 6.b).

### **6.a. FCR WHOIS DATABASE**

**130.** The FCR Whois Database is a database which contains contact information of Holders of Frogans Addresses and of Frogans Networks, as well as administrative and technical information on the registration of Frogans Addresses and Frogans Networks in the FCR. The FCR Whois Database also contains contact information of FCR Account Administrators, as well as administrative information on FCR Accounts.

**131.** FCR Account Administrators and Holders of Dedicated Frogans Networks acknowledge that the FCR Whois Database is a public database. In a manner comparable to Whois services provided by registry operators for domain names on the Internet, the FCR Whois Database can be queried by anyone in order to, for example, contact the Holder of a Frogans Address or of a Frogans Network in the event of a problem arising from its registration or its use.

**132.** The FCR Whois Database query service is provided by the FCR Operator. This service is available at the following permanent URL: <https://whois.fcr.frogans/>.

**133.** The contact information of an FCR Account Administrator or the Holder of a Frogans Address or of a Frogans Network includes the following:

- for an individual: name, complete postal address, telephone number, fax number (optional), and E-mail address; or
- for an organization: name of the organization, name of the contact person inside the organization, complete postal address, telephone number, fax number (optional), and E-mail address.

**134.** The administrative information on the registration of a Dedicated Frogans Network registered during the priority registration period for trademark holders includes the information declared concerning the trademark, as defined in section 5.b of this document.

**135.** The contact information of an FCR Account Administrator is transmitted upon the opening of the FCR Account, or during updates.

- 136.** The contact information of a Holder of a Frogans Address or of a Frogans Network is transmitted upon the registration of the Frogans Address or of the Frogans Network, or during updates.
- 137.** FCR Account Administrators and Holders of Dedicated Frogans Networks undertake to provide complete, accurate and up-to-date contact information, and to update this information.
- 138.** Holders of Dedicated Frogans Networks undertake to regularly check their contact information by querying the FCR Whois Database.
- 139.** Given their role as intermediaries in the registration of Frogans Addresses and of Frogans Networks, and acting in their capacity as professionals, individuals who are FCR Account Administrators cannot anonymize their contact information contained in the FCR Whois Database.
- 140.** In order to enable the verification of declared information concerning a trademark, individuals who become Holders of Dedicated Frogans Networks during the priority registration period for trademark holders cannot anonymize their contact information contained in the FCR Whois Database.
- 141.** In compliance with the French law n°78-17 of January 6, 1978 relative to information technology, data files and civil liberties, FCR Account Administrators and Holders of Dedicated Frogans Networks have the right to access and modify information concerning themselves. To exercise this right, FCR Account Administrators may contact the FCR Operator and Holders of Dedicated Frogans Networks may contact their FCR Account Administrator.

## **6.b. FCR PUBLIC DATA**

- 142.** The FCR Public Data is a set of downloadable files which contain information on Frogans Addresses and Frogans Networks registered in the FCR, as well as information on FCR Account Administrators. The FCR Public Data includes the list of Frogans Addresses and Frogans Networks registered in the FCR, as well as the list of FCR Account Administrators. The FCR Public Data does not contain information on Frogans Addresses of Internal Frogans Networks, nor the contact information available in the FCR Whois Database.
- 143.** FCR Account Administrators and Holders of Dedicated Frogans Networks acknowledge that the FCR Public Data can be downloaded by anyone, in order to, for example, provide legal monitoring services or indexing services.
- 144.** The FCR Public Data download service is provided by the FCR Operator. This service is available at the following permanent URL: <https://public-data.fcr.frogans/>.
- 145.** FCR Account Administrators must state, upon the opening or the updating of their FCR Account, whether they allow third parties to index their information contained in the FCR Public Data. This statement is contained in the FCR Public Data.
- 146.** Holders of a Frogans Address of a Public Frogans Network and Holders of a Dedicated Frogans Network must state whether they allow third parties to index their information contained in the FCR Public Data. This statement is made by the intermediary of their FCR Account Administrators upon the registration of their Frogans Address or their Frogans Network, or upon changes to their settings. This statement is contained in the FCR Public Data.

## **7. VERIFICATION OF DECLARED INFORMATION CONCERNING A TRADEMARK**

**147.** This part covers the verification of the information declared by the Holder of a Dedicated Frogans Network registered during the priority registration period for trademark holders, concerning a trademark.

**148.** This part presents the absence of verification of rights during the registration procedure (section 7.a), the report by a third party of an abusive registration (section 7.b) and the duties of the Holder in the event of verification (section 7.c).

### **7.a. ABSENCE OF VERIFICATION OF RIGHTS DURING THE REGISTRATION PROCEDURE**

**149.** The trademark holder which registers a Dedicated Frogans Network corresponding to its trademark during the priority registration period for trademark holders:

- declares itself as the rightful holder of the trademark; and
- undertakes that the information declared concerning its trademark, as defined in section 5.b of this document, is complete, accurate and up-to-date.

**150.** In order to avoid additional direct or indirect costs and additional delays for the trademark holder, neither the OP3FT nor the FCR Operator checks the rights of the trademark holder during the registration procedure defined in part 5 of this document.

**151.** The OP3FT reserves the right to request a trademark holder which has registered a Dedicated Frogans Network during the priority registration for trademark holders to substantiate the information declared concerning its trademark.

### **7.b. REPORT BY A THIRD PARTY OF AN ABUSIVE REGISTRATION**

**152.** All information declared by the Holder of a Dedicated Frogans Network registered during the priority registration period for trademark holders is public, including the contact information of the Holder and information concerning the trademark corresponding to this Dedicated Frogans Network.

**153.** The information declared by the Holder of the Dedicated Frogans Network is accessible by using the FCR Whois Database query service and the FCR Public Data download service.

**154.** Anyone can check information declared by the Holder of a Dedicated Frogans Network.

**155.** If appropriate, it is possible to report to the OP3FT a breach by the Holder of a Dedicated Frogans Network of any one of the duties defined in this document or in the Frogans Technology User Policy. Reports are made at the following permanent URL: <https://report.frogans.org/en/main.html>.

## **7.c. DUTIES OF THE HOLDER IN THE EVENT OF VERIFICATION**

**156.** Subsequent to a report submitted by a third party, or on the initiative of the OP3FT, the Holder of a Dedicated Frogans Network registered during the priority registration period for trademark holders acknowledges and accepts that the OP3FT can request, at any time during the duration of the registration of the Dedicated Frogans Network, the Holder to provide documents substantiating the information declared by the Holder concerning its trademark.

**157.** Following a request by the OP3FT, the Holder of a Dedicated Frogans Network undertakes to provide the OP3FT with all and any documents allowing to establish its rights to the trademark. For example:

- for a registered trademark: a copy of the definitive registration certificate of the trademark;
- for a mark validated by a court decision: a copy of the court decision;
- for a mark protected by a statute or treaty: a copy of this statute or treaty.

**158.** If an original document is not in the English or the French language, the Holder of the Dedicated Frogans Network undertakes to provide, in addition to the copy of the original document, a translation of this original document into the English or the French language, certified by a sworn translator.

**159.** The failure for the Holder of the Dedicated Frogans Network to provide the requested documents shall be considered as a breach of its duties.

**160.** Apart from exceptional circumstances to be justified without delay by sending an email to the OP3FT, the Holder of the Dedicated Frogans Network undertakes to provide the requested documents at most fourteen (14) calendar days after the request was sent by the OP3FT.

**161.** The OP3FT retains for a duration of three (3) years the requested documents which are provided by the Holder of a Dedicated Frogans Network registered during the priority registration period for trademark holders.