

■ BULGARIA

Registration and Maintenance of Bulgarian Top-Level Domain Names

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Introduction

The first-level domain name or top-level domain name (hereunder referred to as "TDN") for Bulgaria is *.bg*. As with other TDNs, the *.bg* domain is administered by a naming authority, a limited liability company registered in Bulgaria, Digital Systems Ltd. The company started its activities in 1991 and through the years established certain rules regarding the procedure and preconditions for the registering and maintaining of domain names with the extension *.bg*. The present article is a brief overview regarding:

- the persons who have the right to apply for registering a *.bg* domain;
- the registration documentation and procedure;
- the requirements in respect of *.bg* domain names;
- termination of the registration; and
- the limitation of the naming authority's responsibility.

Range of Persons

In accordance with the rules, three groups of persons have the right to apply for registering for a TDN with the extension *.bg*. These are the following:

- traders: Sole traders or commercial companies (legal entities), registered and duly existing under the Bulgarian law, state or municipal bodies, subjects created pursuant to an agreement between the Republic of Bulgaria and other countries, companies and organizations registered abroad, which have their own branches or commercial representatives in Bulgaria;
- natural persons, citizens of the Republic of Bulgaria;
- companies and organizations registered abroad, which have authorized a third person to register a TDN within the *.bg* domain. This authorized third person has to meet the requirements under the above two points.

Registration Documentation

The subject who wishes to acquire a registered *.bg* domain, has to submit the following documents to the naming authority:

1) An application for registration of a domain name: It has to be filled in carefully and accurately, and signed and stamped by the person representing the company or the organization. In cases where the applicant is a natural person or companies and organizations registered abroad, the application has to be notarised by a Notary Public. The

application must identify individuals for both administrative and technical contacts. The person for administrative contacts defines the naming policy of the objects in the hierarchy of the given name, gives information about any changes regarding the registered name, including the persons for technical and financial contacts. It is mandatory that the person for administrative contacts be duly authorized to represent the applicant. The person named for technical contacts is obliged to maintain the technical functioning of the domain name servers.

2) A power of attorney, notarized by a Notary Public, is required in all cases when the application is filed by an authorized person.

3) A copy of the document certifying the actual status of the applicant (excluding natural persons), for example, decisions, valid court certificates, etc. In these documents, the person authorized to represent the company, organization, branch or commercial representative, should be clearly identified. Otherwise, a notarized power of attorney is also deemed necessary.

4) In cases where the required TDN is a trademark, a copy of the document, evidencing that the applicant is the owner of the trademark. Where the trademark is owned by a third party, apart from the copy of the document certifying the ownership of the trademark, a notarized document allowing the applicant to use the trademark must be submitted.

Requirements as to Names

The rules contain certain requirements in respect of the names which applicants may wish to register.

The following characters may be used in the domain name: letters of the Roman alphabet, regardless of whether they are lower-case or capitals, numbers and hyphens. The domain name has to contain at least three characters. It is recommended that the first character be a letter, although it is possible for it to be a number.

In accordance with the rules, an appropriate name can be formed by the name of the applicant or the name of a registered trademark. The names of towns and villages are reserved for the municipalities and the regions. When the requested name has already been used or there is a probability that it may be requested from another applicant with a wider popularity, another name must be chosen. For example, names like *ibm.bg* or *internet.bg* are reserved due to this requirement. When the requested name may lead to confusion or misunderstanding, in the opinion of the naming authority, the applicant has to choose another name.

Registration Procedure

The naming authority deals only with the registration of primary sub-domains of the top-level domain *.bg*. The administrative contact person for the primary sub-domain is responsible for the registration of secondary or lower-level sub-domain names.

The registration procedure provides that there is an obligation on the naming authority to check the validity of the applicant's documentation within three working days after receiving the request. If the documents are complete, the applicant receives a pro forma invoice and is obliged to pay an initial fee of US\$60 (VAT included) and the support fee for the first year, also amounting to US\$60 (VAT included), within ten working days. The naming authority adds the necessary records in the primary name server for *.bg* domain names and the applicant has the opportunity to use and administer the name in the Internet five working days after the above sums have been paid.

In cases where the documents are not in order or are incomplete, the applicant must be informed about this in an appropriate manner (by fax, e-mail, telephone, with appropriate records in the on-line database of the Register, etc.). The applicant is obliged within 30 working days to correct the incorrect information in the request or to file the necessary documents. If the above period elapses and the request still fails to meet the requirements, the naming authority will consider that the applicant refuses the name and cancels the registration procedure.

Also, the naming authority can refuse to register a *.bg* domain name if an incomplete set of documents is filed or if the applicant has not observed the prescribed requirements for domain names.

Termination of Registration

The domain name registration is terminated when the naming authority receives a written request for termination from the representative of the applicant. The registration is then terminated within five working days.

The naming authority is empowered to terminate the registration when the domain ceases to meet the requirements for accessibility of the domain name (at least two domain name servers are required). The contact persons are notified and given the opportunity to correct the deficiency. If the due measures are not taken within one month, the naming authority has the right to terminate the registration without further notice.

The registration is also terminated in case of non-payment of the annual support fee on time.

Limitation of Naming Authority's Responsibility

The naming authority explicitly limits its responsibility in connection with the domain name registration. Pursuant to the rules, the applicant is required to enclose a signed declaration, when requesting a registration of a domain name with the extension *.bg*, stating that:

- the applicant bears the whole responsibility to third parties in connection with the choice of the name which it wishes to register;
- the owner of a domain name will indemnify the naming authority and its employees or agents and will hold the naming authority harmless from and against losses, damages, liability, claims or expenses resulting from a claim or claims, asserted by third parties regarding the ownership of or the right of use of the domain name;
- the naming authority, its employees or agents shall not be responsible for any losses or damages suffered by the applicant or the ISP, resulting from the activity or inactivity of the naming authority, its specialists or agents during the performance of their duties as a Register of Internet domain names;
- the naming authority shall not be responsible for the accuracy of the data supplied by the applicant, when the applicant uses electronic updating of the information that already exists in the Register for the applicant's domain name.

■ FRANCE

Duties of Technical Internet Providers under the French Act of August 1, 2000

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Act N. 2000-719 dated August 1, 2000 (the "French Act"), amending Act N. 86-1067 dated September 30, 1986 pertaining to freedom of communication, contains provisions as to the liability of hosts of Internet sites and establishes various duties on access providers and hosts (the "Intermediary Service Providers").

These new rules obviously relate to "on-line services of communications" and not to "private correspondence."

Liability of Technical Providers

In order to improve legal certainty regarding the liability of Internet service providers required for the development of e-commerce, the French Act has, in part, enshrined the principle of exemption of liability as it appears in the European Directive on electronic commerce (Directive No. 2000/31/EC of the European Parliament and European Council of June 8, 2000, on certain legal aspects of information society services, in particular electronic commerce in the internal market).

French legislation has hardly ever reduced liability as does this French Act, which therefore constitutes an exception, seen from the standpoint of present trends to-