



20 November 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

NetRegistry Pty Ltd. (IANA #677)
Level 3 469 La Trobe Street
Melbourne Victoria 3000
Australia

Email: icann-legal@melbourneit.com.au
Fax: +61 3 8624 2435

Dear NetRegistry Pty Ltd.,

Please be advised that as of 20 November 2017, NetRegistry Pty Ltd. ("NetRegistry") is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 15 June 2014 ("RAA"). This breach results from:

1. NetRegistry's failure to escrow gTLD registration data, as required by Section 3.6 of the RAA.

Please refer to the attachment for details regarding this breach.

In addition, NetRegistry has been deemed noncompliant in the following areas:

1. NetRegistry's failure to notify ICANN of a change to its contact information within thirty (30) days, as required by Section 7.6 of the RAA;
2. NetRegistry's failure to provide and maintain accurate and current information as specified in the Registrar Information Specification ("RIS") and to notify ICANN within five days of any changes to such information, as required by Section 3.17 of the RAA;
3. NetRegistry's failure to publish a correspondence address on NetRegistry's website, as required by Section 3.17 and Section 7 of the RIS of the RAA;
4. NetRegistry's failure to publish the full name and position of all officers of the registrar on NetRegistry's website, as required by Section 3.17 of the RAA and Section 17 of the RIS of the RAA;
5. NetRegistry's failure to provide an interactive webpage Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by NetRegistry for each top-level domain ("TLD") in which it is accredited, as required by Section 3.3.1 of the RAA;

6. NetRegistry's failure to provide domain name data in the specified response format, as required by Section 1.4 of the Registration Data Directory Service (Whois) Specification of the RAA ("Whois Specification") and the Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement (RAA) regarding applicable Registration Data Directory Service (Whois) Specifications ("Clarifications");
7. NetRegistry's failure to publish an email address to receive abuse reports on the home page of NetRegistry's website, as required by Section 3.18.1 of the RAA;
8. NetRegistry's failure to display the correct ICANN logo on NetRegistry's website, as required by the Logo License Specification of the RAA;
9. NetRegistry's failure to clearly display on NetRegistry's website, and include a link in its registration agreement to, its renewal fees, post-expiration renewal fees (if different) and redemption/restore fees, as required by Section 4.1 of the Expired Registration Recovery Policy ("ERRP"); and
10. NetRegistry's failure to provide in NetRegistry's registration agreement, a description of the methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the ERRP.

Additional Concerns

ICANN understands that NetRegistry's listed Primary Contact is no longer an employee with the registrar and has requested multiple times that the out of date contact information with ICANN be updated. Therefore, this notice has been addressed to the registrar generally.

ICANN requests that NetRegistry cure these breaches by 11 December 2017, 21 days from the date of this letter, by taking the following actions:

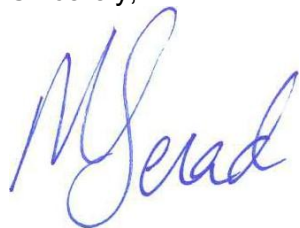
1. Deposit gTLD registration data on a weekly basis to an approved escrow agent and ensure that the deposits meet the required specifications;
2. Provide ICANN with written notification of updated contact information in accordance with Section 7.6 of the RAA;
3. Provide ICANN with a completed RIS form, including accurate and current contact information and the location of any applicable information published on NetRegistry's website, as required by Section 3.17 of the RAA;
4. Provide an interactive webpage Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by NetRegistry for each TLD in which it is accredited;

5. Display domain name data in the specified response format, as required by Section 1.4 of the Whois Specification and Clarifications;
6. Publish an email address to receive abuse reports on the home page of NetRegistry's website;
7. Display the correct ICANN logo on NetRegistry's website in accordance with the Logo License Specification of the RAA, or remove the ICANN logo from NetRegistry's website;
8. Clearly display renewal fees, post-expiration renewal fees (if different) and redemption/restore fees on NetRegistry's website and provide a link to the renewal fees, post-expiration renewal fees (if different) and redemption/restore fees in NetRegistry's registration agreement;
9. Include in NetRegistry's registration agreements a description of NetRegistry's pre- and post-expiration notification methods or a link to the applicable page(s) on its website where this information is available; and
10. Provide ICANN with corrective and preventative action(s), including implementation date(s), to ensure that:
 - a. NetRegistry will timely respond to ICANN compliance matters; and
 - b. NetRegistry's contacts with ICANN are valid and up to date, and timely updated.

If NetRegistry fails to timely cure the breaches and provide the information requested by 11 December 2017, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Jennifer Scott at jennifer.scott@icann.org.

Sincerely,



Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to escrow gTLD registration data

Section 3.6 of the RAA requires registrars to submit an electronic copy of the data described in Sections 3.4.1.2 through 3.4.1.5 of the RAA to ICANN, or at the registrar's expense, to a reputable escrow agent mutually approved by the registrar and ICANN. Registrars shall submit the data on a schedule, under the terms, and in a format specified by ICANN. NetRegistry's failure to deposit gTLD registration data with an approved escrow agent under the required schedule and terms is a breach of Section 3.6 of the RAA.

Failure to notify ICANN of changes to contact information

Section 7.6 of the RAA requires registrars to provide written notification to ICANN within thirty (30) days of any change to its contact information. NetRegistry's failure to provide ICANN with written notice of changes to its contact information is a breach of Section 7.6 of the RAA.

Failure to provide and maintain required contact information

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. NetRegistry's failure to maintain accurate and current information as specified in the RIS, including a primary contact where NetRegistry can be reached for contractual purposes, is a breach of Section 3.17 of the RAA.

Failure to publish registrar's correspondence address on registrar's website

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. In addition, registrars must publish on each website through which it provides or offers registrar services, the information specified in the RIS as requiring publication. NetRegistry's failure to publish its RIS correspondence address on NetRegistry's website is a breach of Section 3.17 of the RAA and Section 7 of the RIS.

Failure to publish the full name and position of all officers on registrar's website

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. In addition, registrars must publish on each website through which it provides or offers registrar services, the information specified in the RIS as requiring publication. NetRegistry's failure to publish the full name and position of all of its RIS officers on its website is a breach of Section 3.17 of the RAA and Section 17 of the RIS.

Failure to provide an interactive webpage Whois service

Section 3.3.1 of the RAA requires registrars to provide an interactive webpage and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by the registrar. NetRegistry's failure to provide an interactive webpage Whois service is a breach of Section 3.3.1 of the RAA.

Failure to display required Whois format

Section 1.4 of the Whois Specification of the RAA requires registrars to display domain name data in a specified format for Whois query responses. The format of responses shall contain all the elements and follow a semi-free text format outlined in Section 1.4 of the Whois Specification. Additional specifications to the format of Whois query responses are contained in the Clarifications. NetRegistry's failure to display Whois data in the specified format is a breach of Section 1.4 of the Whois Specification of the RAA and Clarifications.

Failure to publish an email address to receive reports of abuse

Section 3.18.1 of the RAA requires registrars to publish on the home page of their website an email address to receive abuse reports. NetRegistry's failure to publish an email address on the home page of its website to receive abuse reports is a breach of Section 3.18.1 of the RAA.

Failure to display correct ICANN-Accredited Registrar logo

The Logo License Specification of the RAA requires registrars, if displaying the ICANN-Accredited Registrar logo, to use the logo displayed in the specification. NetRegistry's use of a modified version of the ICANN-Accredited Registrar logo is a breach of the Logo License Specification of the RAA.

Failure to clearly display renewal fees, post-expiration renewal fees (if different) and redemption/restore fees on registrar's website and in registration agreement

Section 4.1 of the ERRP requires registrars to make their renewal fees, post-expiration renewal fees (if different) and redemption/restore fees reasonably available to Registered Name Holder ("RNHs") and prospective RNHs at the time of registration of a gTLD name. At a minimum, these fees must be clearly displayed on the registrar's website and a link to these fees must be included in the registrar's registration agreement. NetRegistry's failure to provide a link in its registration agreement or clearly display its renewal and post-expiration renewal fees (if different) fees on its website, or provide a link in its registration agreement to its renewal fees, post-expiration renewal fees (if different) and redemption/restore fees, is a breach of Section 4.1 of the ERRP.

Failure to describe the methods used to deliver pre- and post-expiration notifications

Section 4.2 of the ERRP requires registrars to describe on their websites (if used), and include in their registration agreements a description of its notification methods or a link to the applicable page(s) on their websites where this information is available, the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. NetRegistry's failure to describe these notifications in its registration agreement is a breach of Section 4.2 of the ERRP.

Chronology:

Date of Notice	Deadline for Response	Details
3-Oct-2017	10-Oct-2017	ICANN sent 1st compliance notice via email to icann-legal@melbourneit.com.au . No response received from Registrar.
11-Oct-2017	18-Oct-2017	ICANN sent 2nd compliance notice via email to icann-legal@melbourneit.com.au . No response received from Registrar.
16-Oct-2017	N/A	ICANN called Primary Contact at +61 3 8624 2400 and provided Registrar Representative with complaint details.
19-Oct-2017	26-Oct-2017	ICANN sent 3rd compliance notice via email to icann-legal@melbourneit.com.au .
19-Oct-2017	N/A	ICANN sent 3rd compliance notice via fax to +61 3 8624 2435. Fax unsuccessful.
19-Oct-2017	N/A	Email received from Registrar (robert.honey@melbourneit.com.au) insufficient to demonstrate compliance.
20-Oct-2017	26-Oct-2017	ICANN sent follow-up compliance notice via email to icann-legal@melbourneit.com.au and robert.honey@melbourneit.com.au .
25-Oct-2017	N/A	ICANN called Primary Contact at +61 2 8223 3004. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at mobile number [NUMBER REDACTED] and left voicemail with complaint details.
25-Oct-2017	N/A	Email received from Registrar (robert.honey@melbourneit.com.au) insufficient to demonstrate compliance.
26-Oct-2017	17-Nov-2017	ICANN sent follow-up compliance notice via email to icann-legal@melbourneit.com.au , robert.honey@melbourneit.com.au and mei.loke@melbourneit.com.au . No response received from Registrar.
15-Nov-2017	N/A	ICANN called Primary Contact at +61 2 8223 3004 and provided Registrar Representative with complaint details.
17-Nov-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
20-Nov-2017	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.