



8 December 2010

Mr. Garth Bruen  
Knujon LLC  
405 Washington Street  
Brookline, MA 02446-6140

**RE: Correction Regarding ICANN Contractual Compliance**

Dear Mr. Bruen:

In your recent CircleID blog posting titled, "Two Years Later Dozens of Registrars Still in the Shadows"

[http://www.circleid.com/posts/20101203\\_two\\_years\\_later\\_dozens\\_of\\_registrars\\_still\\_in\\_the\\_shadows/](http://www.circleid.com/posts/20101203_two_years_later_dozens_of_registrars_still_in_the_shadows/), conclusions were made before verifying the facts.

In your blog you claim that 23 ICANN-accredited registrars are not posting their e-mail and postal addresses on their websites as required by Section 3.16 of the Registrar Accreditation Agreement (RAA). Unfortunately, your research ignored the fact that Section 3.16 is a new provision in the 2009 RAA, and as such registrars who are still operating under the 2001 RAA do not have this obligation and ICANN cannot enforce this provision against them. Information regarding all ICANN-accredited registrars, including which RAA each registrar is obligated to comply with, is available on ICANN's website <http://www.icann.org/en/registrars/accredited-list.html>.

We found 11 registrars out of the 23 named in your blog are still operating under the 2001 RAA. ICANN checked its records and the websites of the remaining 12 registrars cited in the blog and determined that one registrar, COMPANA LLC, recently submitted a notice of termination, two registrars, YNOT DOMAINS and ONLINENIC, were indeed compliant and nine registrars appeared non-compliant. Consistent with ICANN's normal compliance process, ICANN will follow up with those registrars that do not appear to be in compliance.

You claim that ICANN recently renewed several registrar accreditation agreements without requiring compliance with this website posting provision. It is ICANN's practice that prior to renewal, ICANN informs registrars of this new requirement and checks registrars' websites for compliance as part of the renewal process. In addition, ICANN is planning to incorporate website checks into its 2011 registrar audit schedule. You did not

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list the registrars you claim were renewed without compliance with this provision. ICANN encourages you to send ICANN's Compliance staff the names of the specific registrars that you claim are not compliant with the 2009 RAA website posting requirements.

You also claim that ICANN only enforces RAA provisions concerning the payment of fees. This claim is baseless and we encourage you to look at the most recent 22 compliance notices posted on ICANN's Compliance page <http://www.icann.org/en/compliance/>. Fifteen of the 22 compliance notices published cite other RAA violations, including failure to provide Whois access, failure to provide data escrow, insolvency and failure to maintain primary contact data. However, upon determination that a registrar may be noncompliant with one provision, staff routinely reviews the registrar's record to assess compliance with other provisions including fees, data escrow, etc.

While we appreciate your efforts and we are pursuing those registrars we deemed non-compliant with website posting requirements, we strongly recommend that you take time to check facts and details to avoid publishing inaccurate information.

Sincerely,

A handwritten signature in blue ink that reads "Stacy Burnette".

Stacy Burnette  
Director  
Contractual Compliance