



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER

22 June 2012

Mr. Adam Eisner
Tucows.com Co. (IANA ID# 69)
96 Mowat Avenue
Toronto, Ontario M6K 3M1
CANADA

E-mail: aeisner@tucows.com
Fax Number: 1-416-531-5584

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Eisner:

Please be advised that as of 22 June 2012, Tucows.com Co. ("Tucows") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 1 July 2009 ("RAA"). These breaches result from:

1. Tucows' failure to maintain registration data and records pursuant to Section 3.4 of the RAA; and
2. Tucows' failure to make registration data and records available to ICANN upon reasonable notice, pursuant to Section 3.4 of the RAA.

Capitalized terms that are not defined in this notice have the meanings given to them in the RAA.

Please refer to the attachment below for details regarding these breaches. ICANN requests that Tucows cure the breaches by 16 July 2012, 15 working days from the date of this letter, by taking the following actions:

1. Make registration data and records relating to Tucows' dealings with the Registry Operator and Registered Name Holder regarding the domain name

Brussels	6 Rond Point Schuman, Bl. 5	B-1040 Brussels	BELGIUM	T +32 2 234 7870	F +32 2 234 7848
Sydney	Level 2, 48 Hunter Street	Sydney NSW 2000	AUSTRALIA	T +61 2 8236 7900	F +61 2 8236 7913
Washington, DC	1875 I Street, NW, 5th Floor	Washington, DC 20006	USA	T +1 202 429 2704	F +1 202 429 2714
Marina del Rey	4676 Admiralty Way, Suite 330	Marina del Rey, CA 90292	USA	T +1 310 823 9358	F +1 310 823 8649

<http://icann.org>



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<cybernomics.com> for the period between 1 May 2011 to the present available to ICANN, as required under Section 3.4 of the RAA; and

2. Demonstrate to ICANN that Tucows maintains all the required registration data and records relating to its dealings with the Registry Operators and Registered Name Holders for each active Registered Name sponsored by Tucows within each TLD for which it is accredited, as required under Section 3.4 of the RAA.

If Tucows fails to timely cure these breaches, ICANN may commence the termination process.

If you have questions or require assistance, please contact me at stacy.burnette@icann.org.

Sincerely,

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

Stacy Burnette
Director
Contractual Compliance



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ATTACHMENT

Failure to Retain Registration Data and Records and Failure to Make Such Records Available to ICANN

Section 3.4.2 of the RAA requires registrars to maintain registration data and records and make those records available to ICANN upon reasonable notice. In response to a complaint concerning the domain name <cybernomics.com> under Tucows' management, on multiple occasions ICANN requested that Tucows make registration data and records available concerning this domain name. Although numerous requests were made by ICANN to make the registration data and records available, as of the date of this notice, Tucows has not produced or made available:

1. Evidence of an electronic or paper registration agreement entered between Tucows and the Registered Name Holder;
2. All records of correspondence with the Registered Name Holder; and
3. Complete financial records.

Notices requesting that Tucows make registration data and records available to ICANN were transmitted to Tucows on 20 March 2012, 9 April 2012, 4 May 2012, 11 May 2012 and 8 June 2012. Although Tucows timely responded to each request for records and provided ancillary information, it failed to produce the specific records required by Section 3.4.2 of the RAA.

Because Tucows failed to provide the required registration data and records, ICANN can only conclude that Tucows: (a) failed to maintain these records as required by Section 3.4.2 of the RAA; and (b) failed to require the Registered Name Holder, Baudry Cybernomics Corp, to enter into an electronic or paper registration agreement with the registrar, as required by Section 3.7.7.1 of the RAA. Tucows' failure to make arrangements to make the required records available to ICANN is a separate breach of Section 3.4.3 of the RAA.

Below is a chronology of our correspondence and other attempts to contact Tucows to date:

Date of Notice	Deadline for Response	Details
20-Mar-12	30-Mar-12	ICANN sent first compliance notice requesting registration data and records via e-mail to aeisner@tucows.com regarding the domain name



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Date of Notice	Deadline for Response	Details
		<cybernomics.com>. Registrar responded on 28 March 2012, but failed to provide actual records.
09-Apr-12	17-Apr-12	ICANN sent second compliance notice requesting registration data and records via e-mail to aeisner@tucows.com regarding the domain name <cybernomics.com>. Registrar responded on 17 April 2012, but failed to provide actual records.
4-May-12	10-May-12	ICANN sent follow-up notice requesting registration data and records via e-mail to aeisner@tucows.com regarding the domain name <cybernomics.com>. Registrar representative, Mr. Paul Karkas, called ICANN staff on Friday, 4 May 2012 after receipt of the follow-up request and ICANN staff made it abundantly clear that copies of the "actual records" are required. Registrar responded on 7 May 2012, but failed to provide actual records.
11-May-12	17-May-12	ICANN sent third compliance notice requesting registration data and records via e-mail to aeisner@tucows.com and pkarkas@tucows.com regarding the domain name <cybernomics.com>. Registrar responded on 17 May 2012, but failed to provide all of the requested records.
8-Jun-12	12-Jun-12	ICANN contacted registrar via telephone to provide clarity regarding the records required by Section 3.4 of the RAA. ICANN sent an e-mail message memorializing what was stated in the telephone conversation to aeisner@tucows.com and pkarkas@tucows.com requesting that registrar provide the requested records by 12 June 2012. Registrar responded by 12 June 2012, but failed to provide a confirmed registration agreement, records of correspondence with the registered name holder and complete financial records concerning the



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Date of Notice	Deadline for Response	Details
		domain name <cybernomics.com>.