



6 December 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dave Munson
Rethem Hosting LLC (IANA #1658)
Barclay Business Center 555 NE 15th Street, Suite 200
Miami Florida 33132
United States

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Dear Dave Munson,

Please be advised that as of 6 December 2017, Rethem Hosting LLC ("Rethem Hosting") is in breach of its 2009 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 15 February 2013 ("RAA"). This breach results from:

1. Rethem Hosting's failure to take reasonable steps to investigate and correct claimed Whois inaccuracies regarding the domain name <fotogrey.com>, as required by Section 3.7.8 of the RAA; and
2. Rethem Hosting's failure to maintain and make available to ICANN registration data and records relating to dealings with the Registered Name Holder ("RNH") of the domain name <fotogrey.com>, as required by Sections 3.4.2 and 3.4.3 of the RAA.

Please refer to the attachment for details regarding these breaches.

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

1. Rethem Hosting'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 Rethem Hosting for each top-level domain ("TLD") in which it is accredited, as required by Section 3.3.1 of the RAA;
2. Rethem Hosting's failure to provide a link on Rethem Hosting's website to ICANN's registrant rights and responsibilities webpage, as required by Section 3.15 of the RAA; and
3. Rethem Hosting's failure to clearly display on Rethem Hosting'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”).

Additional Concerns

Based on the information displayed on Rethem Hosting’s website, it is unclear whether its delivery of pre- and post-expiration notifications are compliant with Sections 2.1 and 4.2 of the ERRP, which requires these notifications be sent to the RNH at specific intervals, including approximately one month and one week prior to expiration, as well as within five days after expiration of the registration.

ICANN requests that Rethem Hosting cure these breaches by 28 December 2017, 15 business days from the date of this letter, by taking the following actions:

1. Provide records demonstrating that Rethem Hosting took reasonable steps to investigate and, where applicable, correct the Whois inaccuracy concerning the domain name <fotogrey.com>. This includes copies of Rethem Hosting’s correspondence with the RNH while investigating the Whois inaccuracy claims (including dates, times, means of inquiries, telephone numbers, e-mail addresses and postal addresses used);
2. Provide an interactive webpage Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by Rethem Hosting for each TLD in which it is accredited;
3. Clearly display a link to ICANN’s registrant rights and responsibilities webpage on Rethem Hosting’s website;
4. Clearly display renewal fees, post-expiration renewal fees (if different) and redemption/restore fees on Rethem Hosting’s website and provide a link to the renewal fees, post-expiration renewal fees (if different) and redemption/restore fees in Rethem Hosting’s registration agreement;
5. Confirm Rethem Hosting’s expiration reminder notice policy complies with the requirements of the ERRP and publish a policy that is consistent with the ERRP or remove the portions of Rethem Hosting’s policy that are inconsistent with the expiration reminder notice requirements of the ERRP; and
6. Provide ICANN with corrective and preventative action(s), including implementation date(s), to ensure that Rethem Hosting will timely respond to ICANN compliance matters.

If Rethem Hosting fails to timely cure the breaches and provide the information requested by 28 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 take reasonable steps to investigate and correct Whois inaccuracy

Section 3.7.8 of the RAA requires registrars, upon notification of a claimed inaccuracy in the contact information associated with a registered name sponsored by a registrar, to take reasonable steps to investigate the claimed inaccuracy. In the event the registrar learns of inaccurate contact information associated with a registered name it sponsors, the registrar shall take reasonable steps to correct that inaccuracy. Rethem Hosting's failure to provide documentation demonstrating the reasonable steps it took to investigate and correct the alleged Whois inaccuracy is a breach of Section 3.7.8 of the RAA.

Failure to retain registered name holder and registration data and failure to make such data available for inspection and copying

Sections 3.4.2 and 3.4.3 of the RAA requires registrars to maintain RNH and registration data, and to make those records available to ICANN upon reasonable notice. Rethem Hosting's failure to provide the requested registration records and data related to the domain name <fotogrey.com> is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

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. Rethem Hosting's failure to provide an interactive webpage Whois service is a breach of Section 3.3.1 of the RAA.

Failure to display a link to ICANN's registrant rights and responsibilities webpage

Section 3.15 of the RAA requires registrars to clearly display a link on its website to ICANN's registrant rights and responsibilities webpage. Rethem Hosting's failure to provide a link on its website to ICANN's registrant rights and responsibilities webpage is a breach of Section 3.15 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 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. Rethem Hosting's failure to provide a link in its registration agreement or clearly display these fees on its website is a breach of Section 4.1 of the ERRP.

Chronology:

Date of Notice	Deadline for Response	Details
20-Oct-2017	10-Nov-2017	ICANN sent 1st compliance notice via email to reg-whois@rethemhosting.net . No response received from Registrar.
13-Nov-2017	20-Nov-2017	ICANN sent 2nd compliance notice via email to reg-whois@rethemhosting.net . No response received from Registrar.
14-Nov-2017	N/A	ICANN called Primary Contact at +1 646 561 9996 x1318 and at +1 646 561 9996. No answer and no ability to leave a voicemail.
22-Nov-2017	29-Nov-2017	ICANN sent 3rd compliance notice via email to reg-whois@rethemhosting.net and dave@rethemhosting.net . No response received from Registrar.
22-Nov-2017	N/A	ICANN sent 3rd compliance notice via fax to +1 646 561 9996. Fax successful.
28-Nov-2017	N/A	ICANN called Primary Contact at +1 646 561 9996 x1318 and at +1 646 561 9996. No answer and no ability to leave a voicemail.
5-Dec-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
6-Dec-2017	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.