



The Internet Corporation for Assigned Names and Numbers

16 March 2016

Mr. Johannes Lenz-Hawliczek
Chief Executive Officer
HOTEL Top-Level-Domain S.a.r.l.
Lockenhuhnweg 9
12355 Berlin
Germany

Re: New gTLD Applicant Portal

Dear Mr. Johannes Lenz-Hawliczek:

In late February 2015, ICANN learned about a misconfiguration issue affecting the New gTLD Applicant and GDD portals that allowed portal users to view confidential business information belonging to other applicants if they conducted a particular type of advanced search. ICANN's investigation uncovered information suggesting that one user in particular, Dirk Krischenowski, accessed and downloaded materials pertaining to a large number of other users as a result of the misconfiguration issue.

After concluding its initial investigation, ICANN notified affected users that its initial investigation indicated their data was viewed by another portal user(s) without authorization. Subsequently, an affected user, Travel Reservations SRL, formerly Despegar Online SRL ("Despegar"), wrote to ICANN to raise concerns regarding Mr. Krischenowski's access to proprietary information that it submitted to ICANN in support of its applications for .HOTEL, .HOTEIS and .HOTELES, and to request that ICANN cancel HOTEL Top-Level-Domain S.a.r.l.'s ("Hotel TLD") application for the .HOTEL gTLD. ICANN has also received a letter from Famous Four Media Limited (and its subsidiary applicant dot Hotel Limited), Fegistry LLC ("Fegistry"), Minds+Machines Group Limited (formerly, Top Level Domain Holdings Limited) ("Minds +Machines"), Donuts Inc. (and its subsidiary applicants Spring McCook, LLC and Little Birch, LLC) ("Donuts"), and Radix FZC (and its subsidiary applicant DotHotel Inc.) requesting that ICANN cancel Hotel TLD's application for .HOTEL. The letters indicate that these other applicants and Despegar are all represented by the same counsel. Accordingly, ICANN has initiated further investigation into the matter. ICANN is taking the concerns raised in these letters very seriously and is investigating the facts and considering how to respond.

ICANN's investigation confirmed that there were at least eight searches from sessions conducted using credentials associated with Mr. Krischenowski that resulted in access to Despegar's information. The compromised information included responses to several application questions for the .HOTEL, .HOTEIS, and .HOTELES strings, which are all applications filed by Despegar or its affiliates.

ICANN's investigation also confirmed searches from sessions conducted using Mr. Krischenowski's credentials that resulted in access to information belonging to Minds + Machines, Donuts and Fegistry.

Los Angeles
Offices:

12025 Waterfront Drive, Suite 300
Beijing • Brussels •

Los Angeles, CA 90094
Istanbul •

USA
Montevideo •

T +1 310 301 5800
Singapore •

F +1 310 823-8649
Washington

<http://icann.org>



It appears that Mr. Krischenowski accessed and downloaded, at minimum, the financial projections for Despegar's applications for .HOTEL, .HOTEIS and .HOTELES, and the technical overview for Despegar's applications for .HOTEIS and .HOTEL. Mr. Krischenowski appears to have specifically searched for terms and question types related to financial or technical portions of the application. Mr. Krischenowski responded to ICANN's request for an explanation through legal counsel acknowledging that he accessed other users' materials but denying he acted improperly or unlawfully.

ICANN's investigation has revealed certain business connections between Hotel TLD and Mr. Krischenowski. These connections include, but are not limited to, Mr. Krischenowski's representation of Hotel TLD in three string confusion objections initiated by Hotel TLD against applications by Despegar and Booking.com. Mr. Krischenowski also has various apparent business connections with Hotel TLD's primary contact Johannes Lenz-Hawliczek and its secondary contact Katrin Ohlmer.

Given the aforementioned, ICANN is in the process of making a determination regarding whether Mr. Krischenowski's access of the materials of other applicants was made in support of Hotel TLD's application for the .HOTEL domain and the appropriate response to the requests that ICANN cancel the Hotel TLD application for .HOTEL. Accordingly, ICANN would like to provide Hotel TLD the opportunity to respond. Should Hotel TLD choose to do so, we request a response within the next seven (7) days.

Please note that ICANN's investigation into this matter is ongoing and that ICANN expressly reserves all of its rights with respect to this matter, including but not limited to all remedies that may be available to ICANN relating in any way to this matter and the right to take further action relating to any instances of misuse of the portals.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine A. Willett", written in a cursive style.

Christine A. Willett
Vice President, GDD Operations