

29 September 2023

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]
OpenTLD B.V. (IANA #1666)
[REDACTED]

Email: [REDACTED]
Fax: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 29 September 2023, OpenTLD B.V. (“OpenTLD” or “Registrar”) is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 5 June 2019 (“RAA”). This breach results from:

1. OpenTLD’s failure to make registration data and records available upon request by ICANN, as required by Section 3.4.3 of the RAA.
2. OpenTLD’s failure to remove the “ClientTransferProhibited” status from domain names upon Registered Name Holders’ (“RNHs”) request, as required by Section I.A.5 of the Transfer Policy. OpenTLD also failed to provide a valid reason for denying the transfer requests that is supported by the Transfer Policy.
3. OpenTLD’s failure to timely pay past due accreditation fees, as required by Section 3.9 of the RAA.

Please refer to the attachment for details regarding this Notice of Breach.

Additional Concerns

OpenTLD continues to exhibit the same pattern of conduct that led to the Notice of Breach issued against the Registrar by ICANN on 20 September 2023, which must be cured by 11 October 2023.

ICANN requests that OpenTLD cure this Notice of Breach by 20 October 2023, 21 days from the date of this letter, by taking the following actions:

1. For the domain name bhrasmehendi[.]com, provide:
 - a. Evidence that while the domain name was registered with OpenTLD, the Registrar complied with all applicable requirements in Section I.A of the Transfer Policy for allowing the RNH to transfer the domain name to a different registrar, including with respect to the removal of the "ClientTransferProhibited" status upon RNH's request (Section I.A.5 of the Transfer Policy).
 - b. Copies of all correspondence, including time-stamped communications, between OpenTLD and the RNH of the domain name, or authorized representative, related to the removal of the "ClientTransferProhibited" status, provision of the AuthInfo code, and transfer requests.

2. For the domain name websheb[.]com, provide:
 - a. Evidence that the Registrar has complied with all applicable requirements in Section I.A of the Transfer Policy for allowing the RNH to transfer the domain name to a different registrar, including with respect to the removal of the "ClientTransferProhibited" status upon RNH's request (Section I.A.5 of the Transfer Policy). If the Registrar denied a transfer request involving this domain name based on a valid reason for denial consistent with Section I.A.3 of the Transfer Policy, provide the specific reason and all pertinent evidence.
 - b. Copies of all correspondence, including time-stamped communications, between OpenTLD and the RNH of the domain name, or authorized representative, related to the removal of the "ClientTransferProhibited" status, provision of the AuthInfo code, and transfer requests.

3. For the domain name pvel[.]net, provide:
 - a. Copies of the expiration renewal notices sent to the RNH/Registrant at Expiration ("RAE") pre- and post- expiration for the domain name while it was sponsored by the Registrar.
 - b. Evidence of the date the Registrar sent a delete command to the registry operator and the domain name entered the Redemption Grace Period ("RGP").
 - c. Evidence that the Domain Name System ("DNS") resolution path was interrupted, including the date of interruption and the number of days it remained interrupted.
 - d. Evidence that while the domain name was registered with OpenTLD, the Registrar complied with all applicable requirements in Section I.A of the Transfer Policy for allowing the RNH to transfer the domain name to a different registrar, including with

respect to the removal of the “ClientTransferProhibited” status upon RNH’s request (Section I.A.5 of the Transfer Policy). If the Registrar denied a transfer request involving this domain name based on a valid reason for denial consistent with Section I.A.3 of the Transfer Policy, provide the specific reason and all pertinent evidence.

4. For the domain name `extraescolar[.]net`, provide:
 - a. A copy of the following registration data prior to the expiration of the domain name registration and after any changes after expiration:
 - Domain Name
 - Updated Date
 - Creation Date
 - Registrar Registration Expiration Date
 - Registrar
 - Registrar IANA ID
 - Reseller
 - Domain Status
 - Registrant Name
 - Registrant Organization
 - Registrant Email
 - Name Server
 - b. Copies of the expiration renewal notices sent to the RNH/RAE pre- and post-expiration for the domain name.
 - c. Copies of any communications between OpenTLD and the RNH/RAE, or its authorized representative, relating to renewal of the domain name.
 - d. An explanation as to why, following receipt of payment for renewal of the domain name, the domain name was not renewed until far beyond its expiry date when ICANN Contractual Compliance initiated a case with OpenTLD.
5. The corrective and preventative action(s) that OpenTLD will take, with implementation date(s), to ensure the Registrar timely renews and restores domain name registrations to avoid risk of loss of the domain name, and without intervention by ICANN, in accordance with the requirements within Sections 2.2.5 and 3.3 of the Expired Registration Recovery Policy (“ERRP”).
6. If OpenTLD is unable to provide the records, information, and data in items 1 through 4 above, please detail the corrective and preventative action(s) that OpenTLD will take, with implementation date(s), to ensure compliance with (1) the requirements set forth in the Transfer Policy related to the removal of the “ClientTransferProhibited” status; (2) the renewal of registration requirements set forth in the ERRP; and (3) the obligation to provide records and registration data to ICANN upon reasonable notice, as required by Section 3.4 of the RAA.

7. Pay all past and currently due accreditation fees, as required by Section 3.9 of the RAA.

If OpenTLD fails to timely cure this Notice of Breach and provide the information requested by 20 October 2023, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Leticia Castillo (EMAIL REDACTED) and Amanda Rose (EMAIL REDACTED).

Sincerely,

[SIGNATURE REDACTED]

Jamie Hedlund
Senior Vice President, Contractual Compliance and U.S. Government Engagement

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

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. OpenTLD's failure to provide the requested registration records and data related to the domain names in the compliance notices detailed in the chronologies below is a breach of 3.4.3 of the RAA.

Failure to provide AuthInfo code and remove the "ClientTransferProhibited" status within five calendar days of RNH request

Section I.A.5 of the Transfer Policy requires registrars to provide the RNH with the unique AuthInfo code and remove the "ClientTransferProhibited" status within five (5) calendar days of the RNH's initial request. OpenTLD's failure to remove the aforementioned status within five days of the RNH's request concerning the relevant domain names in the chronology below is a breach of Section I.A.5 of the Transfer Policy.

Failure to pay accreditation fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. OpenTLD owes ICANN past due accreditation fees, in breach of Section 3.9 of the RAA.

CHRONOLOGIES

In the 1st, 2nd, 3rd, and follow-up compliance notices detailed in the corresponding chronologies below, ICANN notified OpenTLD of the violations associated with each case, including the affected domain names and the relevant ICANN policies and agreements. Each communication requested the evidence, information and actions needed from OpenTLD to become compliant. All notices subsequent to each 1st notice constituted an additional attempt by ICANN to obtain evidence of compliance from OpenTLD. All telephone call details below described further attempts from ICANN to communicate to OpenTLD the details of the cases and to make an ICANN Contractual Compliance staff member available to address any questions in order to assist OpenTLD in becoming compliant and assist the relevant RNHs. All these attempts were unsuccessful.

Chronology (Case#01232645):

Date of Notice	Deadline for Response	Details
10-Jul-2023	17-Jul-2023	ICANN sent 1st compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.

Date of Notice	Deadline for Response	Details
18-Jul-2023	25-Jul-2023	ICANN sent 2nd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
18-Jul-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and provided Registrar Representative with complaint details.
26-Jul-2023	2-Aug-2023	ICANN sent 3rd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
26-Jul-2023	N/A	ICANN sent 3rd compliance notice via fax to [FAX NUMBER REDACTED]. Fax unsuccessful.
1-Aug-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and provided Registrar Representative with complaint details.
3-Aug-2023	N/A	Email from the Registrar [EMAIL REDACTED], insufficient to demonstrate compliance.
4-Aug-2023	N/A	ICANN confirmed receipt of the Registrar's response via email to [EMAIL REDACTED].
4-Sep-2023	11-Sep-2023	ICANN sent follow-up compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. The Registrar previously confirmed that OpenTLD had renewed the domain name after being contacted by ICANN. However, OpenTLD had failed to provide all records and information ICANN had requested under the RAA and ERRP.
18-Sep-2023	25-Sep-2023	ICANN sent a revised follow-up compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
28-Sep-2023	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
29-Sep-2023	N/A	To date, the Registrar has not responded to ICANN with the requested records and information.

Chronology (Case#01232083):

Date of Notice	Deadline for Response	Details
6-Jul-2023	13-Jul-2023	ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
17-Jul-2023	24-Jul-2023	ICANN sent 2nd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
18-Jul-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED]. and provided Registrar Representative with complaint details.
26-Jul-2023	2-Aug-2023	ICANN sent 3rd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
26-Jul-2023	N/A	ICANN sent 3rd compliance notice via fax to [FAX NUMBER REDACTED]. Fax unsuccessful.
1-Aug-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and provided Registrar Representative with complaint details.
3-Aug-2023	N/A	Email from the Registrar [EMAIL REDACTED], insufficient to demonstrate compliance.
30-Aug-2023	6-Sep-2023	ICANN sent follow-up compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from Registrar.
28-Sep-2023	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
29-Sep-2023	N/A	To date, the Registrar has not responded to ICANN with the requested records and information.

Chronology (Case#01226300):

Date of Notice	Deadline for Response	Details
12-Jun-2023	19-Jun-2023	ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
21-Jul-2023	28-Jul-2023	ICANN sent 2nd compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
25-Jul-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and left voicemail with complaint details.
19-Sep-2023	26-Sep-2023	ICANN sent 3rd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
19-Sep-2023	N/A	ICANN sent 3rd compliance notice via fax to [FAX NUMBER REDACTED]. Fax successful.
21-Sep-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and left voicemail complaint details.
28-Sep-2023	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
29-Sep-2023	N/A	To date, the Registrar has not responded to ICANN with the requested records and information.