12 June 2013

## TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER

Mr. Joel Chornik Elserver SRL (IANA ID# 1497) Av. de los Incas, Caba 3085 Argentina

E-mail: joel.chornik@elserver.com Fax Number: +54 11 4556 6400

## **RE: NOTICE OF TERMINATION OF REGISTRAR ACCREDITATION AGREEMENT**

Dear Mr. Chornik:

Please be advised that Elserver SRL's Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 15 March 2010 ("RAA") is terminated pursuant to Section 5.3.4 of the RAA. The termination shall become effective 12 July 2013, 30 days from the date of this notice.

The termination is due to Elserver SRL's failure to timely cure all of the breaches set forth in ICANN's notice of breach of RAA dated 26 April 2013.

As of 12 June 2013, the following breaches remains:

- Failure to pay past due accreditation fees pursuant to Section 3.9 of the RAA; and
- Failure to give ICANN written notice within 30 days of any change to Registrar's contact information, as required by Section 5.11 of the RAA.

Please see the chronology below for additional details.

Elserver SRL is further advised that the logo license Appendix to the RAA is revoked as of 12 July 2013. Please remove all ICANN trademarks, name and logo from Elserver SRL's website and business materials that have been licensed to Elserver SRL under the terms of that Appendix by 12 July 2013.

Washington, DC 801 17<sup>th</sup> Street, NW, Suite 400 Los Angeles 12025 Waterfront Drive, Suite 300 Brussels 6 Rond Point Schuman, Bt. 5

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## Domain Name Transition Process

ICANN's records state that Elserver SRL is not currently managing any domain names. However, if Elserver SRL recently registered domain names, ICANN will commence the domain name transition process and will solicit bids for a qualified ICANN-accredited registrar to manage the domain names managed by Elserver SRL.

ICANN will follow the De-Accredited Registrar Transition Procedure "Procedure" http://www.icann.org/en/processes/registrars/de-accredited-registrar-transition-procedur e-01oct08.pdf . Consistent with the Procedure, please recommend a bulk transfer recipient by 14 June 2013, if Elserver SRL recently registered domain names and inform ICANN's Registrar Liaison Team at <u>RegTransition@icann.org</u>.

ICANN reserves all its rights under the RAA. Please note the rights and obligations required to have effect after the expiration of the RAA, including but not limited to Sections 3.4 Retention of Registered Name Holder and Registration Data, 3.9 Accreditation Fees, 5.6 Resolution of Disputes Under this Agreement and 5.7 limitations on Monetary Remedies for Violations of this Agreement.

If you have questions or require assistance, please contact Stacy Burnette at <u>stacy.burnette@icann.org</u>.

Sincerely,

Maguy Serad Vice President, Contractual Compliance

C: John O. Jeffrey, General Counsel and Secretary



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## Chronology:

| Date of<br>Notice                   | Deadline<br>for<br>Response | Details   |
|-------------------------------------|-----------------------------|---|
| 14-Nov-12<br>10-Jan-13<br>13-Feb-13 | Within 30<br>days           | Notices regarding Elserver SRL's past due<br>accreditation fees, including detailed customer<br>statements, were transmitted by ICANN's Finance<br>department.  |
| 25-Feb-13                           | 4-Mar-13                    | ICANN sent first Compliance notice via e-mail to<br>joel.chornik@elserver.com (primary contact).<br>Registrar did not respond.  |
| 7-Mar-13                            | 14-Mar-13                   | ICANN sent second Compliance notice via e-mail<br>to joel.chornik@elserver.com (primary contact)<br>and administracion@elserver.com (billing<br>contact). Registrar did not respond.  |
| 19-Mar-13                           | 26-Mar-13                   | ICANN sent third Compliance notice via e-mail to<br>joel.chornik@elserver.com (primary contact) and<br>administracion@elserver.com (billing contact).<br>Additionally, ICANN attempted to send it via fax at,<br>+54 11 4556 6400 receiving from the latter a<br>"communication error" message. Registrar did not<br>respond. |
| 26-Mar-13<br>11-Apr-13              | N/A                         | ICANN attempted contacting registrar via the only<br>telephone number listed in Radar +54 11 4556<br>6400. An automated message informed that the<br>telephone number was no longer in service.   |



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| Date of<br>Notice                   | Deadline<br>for<br>Response | Details  |
|-------------------------------------|-----------------------------|--|
| 11-Apr-13<br>17-Apr-13<br>18-Apr-13 | N/A                         | ICANN attempted contacting registrar via a telephone number listed in the website <u>www.elserver.com</u> + 54 11 5254-0544. An automated message kept ICANN staff on hold but it was not possible to talk to an operator or to leave a message.                   |
| 26-Apr-13                           | 17 May 13                   | ICANN sent Notice of Breach via e-mail to<br>joel.chornik@elserver.com (primary contact), via<br>facsimile to +54 11 4556 6400 and via<br>courier to:<br>Mr. Joel Chornik<br>Elserver SRL (IANA ID# 1497)<br>Av. de los Incas, Caba 3085<br>Argentina              |
| 17-May-13                           | N/A                         | Registrar did not respond to ICANN's Notice of Breach.   |
| 31-May-13                           | N/A                         | An inquiry regarding whether Elserver SRL paid<br>its delinquent fees and a request to provide the<br>payment details was transmitted by ICANN's<br>Finance department via e-mail to<br>joel.chornik@elserver.com (primary contact).<br>Registrar did not respond. |



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| Date of<br>Notice | Deadline<br>for<br>Response | Details                              |
|-------------------|-----------------------------|--------------------------------------|
| 12-Jun-13         | N/A                         | No response received from Registrar. |