



The Internet Corporation for Assigned Names and Numbers

14 April 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Michele Bruniaux
Namebay SAM (IANA #88)
27, boulevard des Moulins
MC 98000
Monaco

Email: juridique@namebay.com
Fax: + 377 97 70 61 64

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Bruniaux,

Please be advised that as of 14 April 2014, Namebay SAM (“Namebay”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 23 September 2009 (“RAA”). These breaches result from:

1. Failure to take reasonable steps to investigate claimed Whois inaccuracies, as required by Section 3.7.8 of the RAA;
2. Failure to maintain registration records as required by Section 3.4.2 of the RAA; and
3. Failure to make registration records available upon request by ICANN, as required by Section 3.4.3 of the RAA.

Please refer to the attachment for details regarding these breaches.

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

1. Failure to notify ICANN of a change to its contact information, as required by Section 5.11 of the RAA;

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2. Failure to provide a description on Namebay's website of 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");
3. Failure to provide a description on Namebay's website of methods used to deliver pre- and post-expiration notifications on registrar's website, as required by Section 4.2 of the ERRP; and
4. Failure to display the correct ICANN logo on Registrar's website, as required by the Logo License Appendix of the RAA:

ICANN requests that Namebay cure the breaches by 5 May 2014, 15 working days from the date of this letter, by taking the following actions:

1. Provide records demonstrating that Namebay took reasonable steps to investigate and reasonable steps to correct the Whois inaccuracy claims concerning the domain <e-dealforyou.com>. This includes copies of Namebay's correspondence with the registrant while investigating the Whois inaccuracy claims (including dates and times and means of inquiries, telephone numbers, e-mail addresses, and postal addresses used) in accordance with Section 3.4 of the RAA;
2. Provide ICANN with written notification of updated Primary Contact information in accordance with Section 5.11 of the RAA;
3. Clearly display a link to renewal fees, post-expiration renewal fees (if different), and redemption/restore fees on Namebay's website;
4. Provide a description of methods used to deliver pre- and post-expiration notifications on Namebay's website; and
5. Display the correct ICANN logo on Namebay's website in accordance with the Logo License Appendix of the RAA.



If Namebay fails to timely cure the breaches and provide the information requested by 5 May 2014, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Owen Smigelski at owen.smigelski@icann.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Serad".

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 inaccuracies

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 registrar, to take reasonable steps to investigate the claimed inaccuracy. In the event registrar learns of inaccurate contact information associated with a registered name it sponsors, the registrar shall take reasonable steps to correct that inaccuracy.

ICANN sent Namebay a Whois inaccuracy report regarding the domain name <e-dealforyou.com>. As detailed in the chronology, ICANN sent Namebay three compliance notices concerning the domain name, and requested that Namebay demonstrate that it took reasonable steps to investigate the Whois inaccuracy claims. Namebay failed to adequately respond to these notices in 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 registered name holder and registration data, and to make those records available to ICANN upon reasonable notice. ICANN requested that Namebay make registration records available to ICANN concerning the domain name <e-dealforyou.com>. Namebay's failure to provide the requested registration records is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

Failure to notify ICANN of changes to registrar's Primary Contact information

Section 5.11 of the RAA requires registrars to provide written notification to ICANN within thirty (30) days of any change to its contact information. On 11 March 2014, Namebay staff told ICANN that the Primary Contact no longer worked at Namebay. To date, Namebay has not updated its Primary Contact information in breach of Section 5.11 of the RAA.

Failure to clearly display a link to renewal fees, post-expiration renewal fees (if different), and redemption/restore fees on registrar's website

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 registered name holders and prospective registered name holders 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 agreements. Namebay's website does not provide a link or clearly display these fees in breach of Section 4.1 of the ERRP.

Failure to describe on their websites (if used) the methods used to deliver pre- and post-expiration notifications.

Section 4.2 of the ERRP requires registrars to describe on their websites (if used) the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. The website of Namebay does not describe these notifications in breach of Section 4.2 of the ERRP.

Failure to display correct ICANN-Accredited Registrar logo

The Logo License Appendix of the RAA requires registrars, if displaying the ICANN-Accredited Registrar Logo, to use the logo displayed in the appendix. Namebay's use of a modified version of the ICANN-Accredited Registrar Logo is a violation of the Logo License Appendix of the RAA.

Chronology:

Date of Notice	Deadline for Response	Details
31-Jan-2014	21-Feb-2014	ICANN sent 1st compliance notice via email to juridique@namebay.com . No response received from Registrar.
24-Feb-2014	3-Mar-2014	ICANN sent 2nd compliance notice via email to juridique@namebay.com . No response received from Registrar.
25-Feb-2014	N/A	ICANN attempted to contact Primary Contact at +377 97 70 61 64. Receptionist answered indicating Primary Contact was on vacation, and no one else was available to discuss the compliance matter.

Date of Notice	Deadline for Response	Details
5-Mar-2014	N/A	ICANN attempted to contact Primary Contact twice at +377 97 70 61 64. No answer.
5-Mar-2014	12-Mar-14	ICANN sent 3rd compliance notice via email to juridique@namebay.com .
5-Mar-2014	N/A	The 3rd compliance notice was faxed to +377 97 97 21 13. Fax successfully transmitted.
7-Mar-14	N/A	Email from Registrar indicating the alleged Whois inaccuracy was corrected.
7-Mar-14	12-Mar-14	ICANN sent a follow-up notice via email to juridique@namebay.com indicating the Whois was unchanged and advised Registrar to take reasonable steps to investigate and to correct the Whois inaccuracy report.
11-Mar-14	N/A	ICANN attempted to contact Primary Contact at +377 97 70 61 64. Receptionist indicated Primary Contact no longer works there. ICANN provided details regarding the compliance notice. Receptionist advised that a response would be provided before the due date.
18-Mar-14	N/A	ICANN called Registrar at +377 97 70 61 64, spoke with Damien Bonemaison regarding the unresolved Whois inaccuracy report, who indicated the registrar is awaiting confirmation from the registrant. ICANN reminded the registrar that the due date has passed and failure to respond to ICANN will result in escalated compliance action.

Date of Notice	Deadline for Response	Details
1-Apr-2014	N/A	ICANN called Registrar at +377 97 70 61 64, spoke to Damien Bonemaison regarding the unresolved Whois inaccuracy report. ICANN requested copies of correspondence with their registrant. Mr. Bonemaison confirmed receipt of all notices sent by ICANN.
9-Apr-2014	N/A	ICANN conducted check to determine other areas of noncompliance.
11-Apr-2014	N/A	No response received from registrar. The Whois inaccuracy report remains unresolved.