



The Internet Corporation for Assigned Names and Numbers

31 October 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Art Elizarov
DreamHost, LLC (IANA #431)
707 Wilshire Blvd Suite 5050
Los Angeles CA 90017
United States

Email: legal@dreamhost.com
Fax: +1 323-978-4819

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Elizarov,

Please be advised that as of 31 October 2014, DreamHost, LLC (“DreamHost”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 20 February 2014 (“RAA”). These breaches result from:

1. Failure to take reasonable steps to investigate and correct claimed Whois inaccuracies, as required by Section 3.7.8 of the RAA;
2. Failure to maintain and make available upon request by ICANN registration data and records, as required by Sections 3.4.2 and 3.4.3 of the RAA;
3. Failure to validate and verify the Whois contact information, as required by Sections 2 and 4 of the Whois Accuracy Program Specification (“WAPS”); and
4. Failure to suspend or terminate the domain name after the Registered Name Holder (“RNH”) failed to respond for over fifteen (15) calendar days to inquiries by a registrar concerning Whois inaccuracies, as required by Section 5 of the WAPS.

Please refer to the attachment for details regarding these breaches.

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

1. Failure to provide domain name data in the specified response format, as required by Section 1.4 of the Registration Data Directory Service (Whois) Specification of the RAA (“Whois Specification”);
2. Failure to publish the full name and position of all officers of the registrar and its correspondence address, on DreamHost’s website, as required by Section 3.17 and the Registrar Information Specification (“RIS”) of the RAA;
3. Failure to publish an email address to receive abuse reports on the home page of DreamHost’s website, as required by Section 3.18 of the RAA;
4. Failure to provide a policy consistent with the requirements of Section 2.1 of the Expired Registration Recovery Policy (“ERRP”) to send expiration reminder notices approximately one week prior to expiration and within five days after expiration;
5. Failure to clearly display on DreamHost’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 ERRP;
6. Failure to provide a description on DreamHost’s website or in its registration agreement of methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the ERRP; and
7. Failure to include privacy/proxy customer contact information in its Registration Data Escrow deposits, as required by Section 2.5 of the Specification on Privacy and Proxy Registrations (“P/P Specification”).

Additional Concerns

ICANN notes that this is the second notice of breach within four months for DreamHost for failure to investigate Whois inaccuracy complaints, and DreamHost's continued lack of timely collaboration during the processing of these and other complaints.



ICANN requests that DreamHost cure the breaches by 21 November 2014, 21 calendar days from the date of this letter, by taking the following actions:

1. Provide records demonstrating that DreamHost took reasonable steps to investigate and correct the Whois inaccuracy claims concerning the domain name <senect.com>. This includes: (a) copies of DreamHost'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); and (b) the steps DreamHost took to verify and validate the updated information;
2. Display domain name data in the specified response format, as required by Section 1.4 of the Whois Specification;
3. Publish on DreamHost's website the full name and position of all officers of DreamHost and DreamHost's correspondence address;
4. Publish an email address to receive abuse reports on the home page of DreamHost's website;
5. Provide ICANN with a remediation plan, including dates and milestones, to ensure that DreamHost will send expiration reminders notices to the RNHs of domain names that it sponsors at the intervals required by the ERRP;
6. Clearly display a link to renewal fees, post-expiration renewal fees (if different), and redemption/restore fees on DreamHost's website and provide a link to the renewal fees, post-expiration renewal fees (if different), and redemption/restore fees in the DreamHost registration agreement;
7. Provide a description of methods to deliver pre- and post-expiration notifications on DreamHost's website, and include a description of its notification methods or a link to the applicable page(s) on its website where this information is available in DreamHost's registration agreements;
8. Provide ICANN with corrective and preventative action(s), including implementation dates and milestones, to ensure that DreamHost will timely respond to ICANN inquiries; and
9. Immediately include the underlying privacy/proxy customer contact information in DreamHost's registration data escrow deposits.



If DreamHost fails to timely cure the breaches and provide the information requested by 21 November 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 any registered name sponsored by 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.

ICANN sent three compliance notices to DreamHost concerning a Whois inaccuracy report for the domain name <senect.com > and requested DreamHost demonstrate that it took reasonable steps to investigate the Whois inaccuracy claims. DreamHost'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. DreamHost'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 validate and verify the changed Whois fields

Section 1 of the WAPS of the 2013 RAA requires registrars to validate that required fields, including telephone numbers, postal addresses and email addresses, are in a standard format or template, as well as verify the email address of the registrant by receiving an affirmative response from the registrant.

Section 2 of the WAPS of the 2013 RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar receives changes to any Whois contact information, whether or not contact information was previously verified or validated. The registrar is required to (1) receive an affirmative response from the registrant, (2) manually verify the information, or (3) suspend the domain name.

Section 4 of the WAPS of the 2013 RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar has any information suggesting that the contact information specified in the Whois is incorrect. The registrar must also (1) verify (or re-verify) the



registrant's email address by receiving an affirmative response, (2) manually verify the information, or (3) suspend the domain name.

Section 5 of the WAPS requires a registrar to either terminate, suspend, or place the RNH's domain name on clientHold and clientTransferProhibited if an RNH fails to respond for over fifteen (15) calendar days to inquiries by a registrar concerning the accuracy of contact details associated with the RNH's registration, until such time as a registrar has validated the information provided by the RNH.

The WAPS applies to all domain names sponsored by a registrar, including those registered prior to 1 January 2014.

DreamHost's failure to respond or provide documents demonstrating validation and verification is a breach of the WAPS of the RAA.

Failure to use required Whois format

Section 1.4 of the Whois Specification of the RAA requires registrars to display domain name data in a specified format for Whois query responses. The format of responses shall contain all the elements and follow a semi-free text format outlined in Section 1.4 of the Whois Specification. DreamHost's failure to display Whois data in the specified format is a breach of Section 1.4 of the Whois Specification of the RAA.

Failure to publish required information on registrar's website

Section 3.17 of the RAA requires registrars to provide to ICANN and maintain accurate and current information as specified in the RIS of the RAA. In addition, a registrar must publish on each website through which it provides or offers registrar services, the information specified in the RIS as requiring publication. DreamHost's failure to publish the full name and position of all its officers, and its correspondence address, on its website is a breach of Section 3.17 of the RAA.

Failure to publish an email address to receive reports of abuse

Section 3.18 of the RAA requires registrars to publish an email address to receive abuse reports on the home page of their websites. DreamHost's failure to publish an email address on the home page of its website to receive abuse reports is a breach of Section 3.18 of the RAA.



Failure to send expiration reminder notices at required intervals

Section 2.1 of the ERRP requires registrars to notify the RNH of the expiration of a domain name at specific intervals. Pre-expiration reminder notices must be sent approximately one month prior to expiration and approximately one week prior to expiration. If a registration is not renewed by the RNH or deleted by the registrar, registrars must also send a post-expiration reminder notice within five days after expiration of the registration. DreamHost's website posts a policy that does not comply with Section 2.1 of the ERRP and the failure to send expiration reminder notices at the required intervals is a breach of Section 2.1 of the ERRP.

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 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 agreements. DreamHost's failure to provide a link or clearly display these fees is a breach of Section 4.1 of the ERRP.

Failure to describe on its 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), and include a description of its notification methods or a link to the applicable page(s) on their websites where this information is available in their registration agreements, the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. DreamHost's failure to describe these notifications on its website and in its registration agreement is a breach of Section 4.2 of the ERRP.

Failure to escrow Privacy/Proxy customer information

Section 2.5 of the P/P Specification of the RAA requires registrars to include privacy/proxy customer contact information in a registrar's registration data escrow deposits. DreamHost's failure to include the underlying privacy/proxy customer contact information in its registration data escrow deposits is a breach of Section 2.5 of the P/P Specification.

Chronology:

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|--|
| 9-Sep-2014 | 30-Sep-2014 | ICANN sent a 1st compliance notice via email to legal@dreamhost.com . No response received from Registrar. |
| 2-Oct-2014 | 9-Oct-2014 | ICANN sent a 2nd compliance notice via email to legal@dreamhost.com and whois-contact@hq.newdream.net . No response received from Registrar. |
| 7-Oct-2014 | N/A | ICANN called Primary Contact at +1 323-375-3842. ICANN left message with complaint details. |
| 10-Oct-2014 | 17-Oct-2014 | ICANN sent 3rd compliance notice via email to legal@dreamhost.com and whois-contact@hq.newdream.net . |
| 10-Oct-2014 | N/A | ICANN send 3rd compliance notice via fax to: +1 323-978-4819. Fax successful. |
| 13-Oct-2014 | N/A | Email from Registrar (whois-contact@hq.newdream.net) insufficient to demonstrate compliance. |
| 16-Oct-2014 | 17-Oct-2014 | ICANN sent follow up notice via email to legal@dreamhost.com and whois-contact@hq.newdream.net . No response received from Registrar. |
| 17-Oct-2014 | N/A | ICANN called Primary Contact at +1 323-375-3842. ICANN left message with complaint details. |
| 21-Oct-2014 | N/A | ICANN conducted compliance check to determine other areas of noncompliance. |



| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|---|
| 31-Oct-2014 | N/A | To date, the Registrar has not responded to ICANN with the requested information and documentation. |