



25 April 2013

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER

Mr. Alexander Lucke  
DNS:NET Internet Service GmbH (IANA# 643)  
Ostseestrasse 111  
Berlin D-10409  
Germany

E-mail: [icann@dns-net.de](mailto:icann@dns-net.de)  
Fax Number: +40.3066765499

**RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT**

Dear Mr. Lucke,

Please be advised that as of 25 April 2013, DNS:NET Internet Service GmbH (DNS:NET) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 7 April 2009 (“RAA”). These breaches result from DNS:NET’s failure to timely respond to ICANN’s Contractual Compliance Audit Program notices, specifically:

- Failure to provide documents and information requested pursuant to an ICANN audit, as required by Section 3.14 of the RAA;
- Failure to maintain registration records as required by Section 3.4.2 of the RAA;
- Failure to make registration records available upon request by ICANN, as required by Section 3.4.3 of the RAA.

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

- 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.
- Failure to pay past due accreditation fees pursuant to Section 3.9 of the RAA.

Washington, DC	1101 New York Avenue, NW, Suite 930	Washington, DC 20005	USA	T +1 202 570 7240	F +1 202 789 0104
Los Angeles	12025 Waterfront Drive, Suite 300	Los Angeles, CA 90994	USA	T +1 310 823 9358	F +1 310 823 8649
Brussels	6 Rond Point Schuman, Bt. 5	B-1040 Brussels	BELGIUM	T +32 2 234 7870	F +32 2 234 7848
Sydney	Level 2, 48 Hunter Street	Sydney NSW 2000	AUSTRALIA	T +61 2 8236 7900	F +61 2 8236 7913



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Please refer to the attachment for details regarding these breaches.

ICANN requests that DNS:NET cure these breaches by 16 May 2013, 15 working days from the date of this letter, by taking the following actions:

1. Provide the following documents and information:

- A current certificate of insurance
- Proof that registrar's public contact details are on registrar's website
- Proof that registrar is providing a port 43 Whois service providing free public query-based access to up-to-date data
- Payment records for a specific domain name (contact [contractualcompliance@icann.org](mailto:contractualcompliance@icann.org) for details)
- Form of Authorization (FOA) or AuthInfo Code documentation for six domain names (contact [contractualcompliance@icann.org](mailto:contractualcompliance@icann.org) for details)
- Records reflecting that Registered Name Holders entered into registration agreements concerning 16 domain names (contact [contractualcompliance@icann.org](mailto:contractualcompliance@icann.org) for details).

2. Pay all past due accreditation fees in the amount of \$1,314.52. Please see the enclosed customer statement for details; and

3. Update the data in RADAR to reflect the correct link to DNS:NET's website. Please download and complete the primary contact update form <http://www.icann.org/en/registrars/primary-contact-update-form-en.pdf> and fax it to ICANN at +1-310-823-8649.

If DNS:NET fails to timely cure these breaches and provide the requested information, ICANN may commence the RAA termination process.



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If you have questions or require assistance, please contact Stacy Burnette at [stacy.burnette@icann.org](mailto:stacy.burnette@icann.org).

Sincerely,

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

Maguy Serad  
Vice President  
Contractual Compliance

c: John O. Jeffrey, General Counsel and Secretary

Enclosure: Customer Statement



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## ATTACHMENT

### 1. Failure to Retain Registered Name Holder and Registration Data and Failure to Make Such Data Available for Inspection and Copying

Section 3.4 of the RAA requires registrars to maintain Registered Name Holder and registration data and make those records available to ICANN upon reasonable notice.

As part of an audit, ICANN requested that DNS:NET make registration records available to ICANN concerning specific domain names. DNS:NET's repeated failure to provide the registration records requested is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

### 2. Failure to Timely Respond to Audit Requests for Information and Data

Section 3.14 of the RAA requires registrars to timely provide documents and information requested by ICANN as part of a contractual compliance audit.

ICANN sent DNS:NET three notices regarding requests for documents and information pursuant to an ICANN audit and three reminder notices. As detailed in the chronology below, DNS:NET failed to provide all of the documents and information requested by ICANN.

### 3. Failure to Timely Pay Required Fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. DNS:NET currently owes ICANN \$1,314.52 in past due accreditation fees.

DNS:NET failed to comply with its obligation to timely pay accreditation fees which constitutes a breach of Section 3.9 of the RAA.



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#### 4. Failure to Update Contact Information

Section 5.11 of the RAA requires DNS:NET to notify ICANN within thirty (30) days of any change to its contact information.

ICANN's attempts to access DNS:NET's website using the link provided by DNS:NET were unsuccessful, as the link is inoperable. ICANN observed that DNS:NET has a functional website, but DNS:NET has not provided a link to its new website to ICANN. DNS:NET's failure to notify ICANN of its new contact information constitutes a breach of Section 5.11 of the RAA.

#### **Chronology**

<b>Date of Notice</b>	<b>Deadline for Response</b>	<b>Details</b>
08 Mar 2013	28 Mar 2013	ICANN sent 1 <sup>st</sup> Notice via email to <a href="mailto:icann@dns-net.de">icann@dns-net.de</a> .
20 Mar 2013	N/A	Reminder Email sent to <a href="mailto:icann@dns-net.de">icann@dns-net.de</a> .
28 Mar 2013	05 Apr 2013	ICANN sent 2 <sup>nd</sup> Notice via email to <a href="mailto:icann@dns-net.de">icann@dns-net.de</a> .
01 Apr 2013	N/A	2 <sup>nd</sup> Notice phone call to +49.30667650. ICANN was not able to reach Alexander Lucke directly; However, a message was left with Eva, the individual who answered the call. No call back received.



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05 Apr 2013	12 Apr 2013	ICANN sent 3 <sup>rd</sup> (FINAL) Notice via email to <a href="mailto:icann@dns-net.de">icann@dns-net.de</a> .
05 Apr 2013	N/A	3 <sup>rd</sup> Notice fax to +40.3066765499. Fax was attempted several times with unsuccessful fax delivery (all circuits were busy).
09 Apr 2013	N/A	Reminder email sent to secondary email, <a href="mailto:alexander.lucke@dns-net.de">alexander.lucke@dns-net.de</a> .
16 Apr 2013	23 Apr 2013	Received an email response from Boris Poblotski asking for a password reset to the Compliance Audit tool. ICANN responded and provided a 5-day courtesy extension to cure audit deficiencies.
22 Apr 2013	N/A	Reminder email sent to <a href="mailto:boris.poblotski@dns-net.de">boris.poblotski@dns-net.de</a> informing courtesy extension ends on 23-Apr-2013.
23 Apr 2103	N/A	Received an email from Boris Poblotski indicating some items have been remediated.  Per ICANN's review, the following audit deficiencies were cured: <ul style="list-style-type: none"><li>- Payment records provided for 25 domains</li><li>- TEAC information is current in RADAR</li><li>- Primary contact information is current in RADAR</li><li>- FOA documentation provided for 9 domains</li><li>- Payment records provided for 24 domains</li></ul>



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		<p>The following audit deficiencies were <b>not</b> remediated:</p> <ul style="list-style-type: none"><li>- Certificate of insurance (no documentation provided)</li><li>- Registrar public contact details not found on Registrar website</li><li>- Port 43 Whois service providing free public query-based access to up-to-date (i.e., updated at least daily) data not found</li><li>- No Form of Authorization (FOA) or AuthInfo Code documentation provided for 6 domains.</li><li>- Payment documentation not provided for all domains listed in report (missing 1 for domain)</li><li>- Confirmation that Registered Name Holders entered into registration agreements concerning 16 domains.</li></ul>
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