



The Internet Corporation for Assigned Names and Numbers

6 May 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Vincent Tan Seaway  
IPXcess.com Sdn Bhd (IANA # 693)  
Level 2, Studio 99, Lot 54, Section 43 Jalan Tun Razak  
Kuala Lumpur 50450  
Malaysia

Email: [accounts@ipxcess.com](mailto:accounts@ipxcess.com)  
Fax Number: +60 3 21613802

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

Dear Mr. Seaway,

Please be advised that as of 6 May 2014, IPXcess.com Sdn Bhd (“IPXcess”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 10 July 2009 (“RAA”). These breaches result from:

1. IPXcess’ failure to timely respond to ICANN Contractual Compliance Audit Program (“Audit”) notices, specifically:
  - a. Failure to provide documents and information as required by the terms of Section 3.14 of the RAA; and
  - b. Failure to maintain records relating to IPXcess’ dealings with Registry Operator(s) and Registered Name Holders and to make such records available to ICANN for inspection, pursuant to Sections 3.4.2 and 3.4.3 of the RAA.

Please refer to the attachment for details regarding these breaches.

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ICANN requests that IPXcess cure the breaches by 28 May 2014, 15 working days from the date of this letter, by taking the following actions:

1. Complete the Audit Remediation Phase, by:
  - a. Emailing the outstanding documentation identified in the audit report to [complianceaudit@icann.org](mailto:complianceaudit@icann.org); or
  - b. Emailing [complianceaudit@icann.org](mailto:complianceaudit@icann.org) to receive your registrar's login credentials for the ICANN Compliance Site ("Site") and uploading the outstanding documents identified in the audit report to the Site.

If IPXcess fails to timely cure the breaches and provide the information requested by 28 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](mailto:owen.smigelski@icann.org).

Sincerely,

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

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

## ATTACHMENT

### Failure to Provide Documents and Information for Audit and to Make Records Relating to Registered Name Holders Available to ICANN

Section 3.14 of the RAA requires IPXcess, as part of any reasonable contractual compliance audit, to timely provide the documents and information known by IPXcess necessary to demonstrate compliance with the terms of this Agreement. Section 3.4.2 of the RAA requires IPXcess to maintain registration data and records relating to its dealings with Registered Name Holders and with the Registry Operator(s) for every domain name under IPXcess' management. Section 3.4.3 of the RAA requires IPXcess to make these records and data available to ICANN upon reasonable notice.

As detailed in the chronology below, since 25 March 2014 ICANN sent IPXcess three notices regarding the requirements of ICANN's Audit Program. To date, IPXcess has not provided any information or records requested by ICANN, despite ICANN having contacted the Primary Contact multiple times.

#### Chronology:

Date of Notice	Deadline for Response	Details
25-Mar-2014	14-Apr-2014	ICANN sent 1st compliance notice via email to <a href="mailto:accounts@ipxcess.com">accounts@ipxcess.com</a> .
25-Mar-2014	N/A	Email from Registrar with documents.
26-Mar-2014	N/A	ICANN sent follow-up notice to <a href="mailto:accounts@ipxcess.com">accounts@ipxcess.com</a> advising Registrar that the documents provided were incomplete.
15-Apr-2014	21-Apr-2014	ICANN sent 2nd compliance notice via email to <a href="mailto:accounts@ipxcess.com">accounts@ipxcess.com</a> . No response received from Registrar.

17-Apr-2014	N/A	ICANN sent follow-up notice to <a href="mailto:accounts@ipxcess.com">accounts@ipxcess.com</a> requesting the status of outstanding deficiency items.
20-Apr-2014	N/A	Email from Registrar advising ICANN that the requested items were provided on 26 March 2014.
21-Apr-2014	N/A	ICANN sent follow-up notice to <a href="mailto:accounts@ipxcess.com">accounts@ipxcess.com</a> regarding the remaining outstanding items on Registrar's audit report.
22-Apr-2014	28-Apr-2014	ICANN sent 3rd compliance notice via email to <a href="mailto:accounts@ipxcess.com">accounts@ipxcess.com</a> .
22-Apr-2014	N/A	Email from Registrar advising ICANN that the outstanding items were provided on 26 March 2014.
22-Apr-2014	N/A	ICANN sent follow-up notice to <a href="mailto:accounts@ipxcess.com">accounts@ipxcess.com</a> requesting Registrar to confirm receipt of subsequent follow-up notices sent to Registrar after 26 Mar 2014.
23-Apr-2014	N/A	Email from Registrar with additional records.
24-Apr-2014	N/A	ICANN responded to Registrar's email detailing remaining deficiencies.
6-May-2014	N/A	ICANN has not received the requested documentation from Registrar