



The Internet Corporation for Assigned Names and Numbers

5 August 2013

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER

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Pacnames Ltd. (IANA ID# 103)
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New Zealand

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RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Ms. Story,

Please be advised that as of 5 August 2013, Pacnames Ltd. ("Pacnames") is in breach of its Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 26 February 2012 ("RAA"). These breaches result from:

1. Pacnames' failure to maintain registration records as required by Section 3.4.2 of the RAA;
2. Pacnames' failure to make available to ICANN copies of written communications between Pacnames and the Registered Name Holder concerning the domain name primarycaredoctors.com, as required by Section 3.4.3 of the RAA;
3. Pacnames' failure to send at least two renewal reminders prior to the expiration of the domain name primarycaredoctors.com, as required by Section 3.7.5 of the RAA; and
4. Pacnames' failure to enter into a registration agreement with the Registered Name Holder of the domain name primarycaredoctors.com, as required by Section 3.7.7 of the RAA.

Please refer to the attachment for details regarding these breaches. ICANN requests that Pacnames cure the breaches by 26 August 2013, 15 working days from the date of this letter, by taking the following actions:



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1. Provide copies of all written communications since 5 August 2010 constituting registration applications, confirmations, modifications, renewal reminders, and terminations and related correspondence between Pacnames and the Registered Name Holder, including registration agreements, concerning the domain name primarycaredoctors.com, pursuant to Sections 3.4 and 3.7 of the RAA;

Additional Considerations for Review and Monitoring of Pacnames

1) ICANN notes that Pacnames was issued two breach notices; one on 25 July 2012 and another on 10 June 2013. Section 2.1 of the RAA permits ICANN to suspend a registrar that is in breach of the RAA at least 3 times within any 12-month period. ICANN cannot suspend Pacnames at this time because the first breach notice was issued 12 months and 11 days ago.

2) During the complaint process, a) Pacnames routinely does not respond to ICANN inquiries until the deadline of 3rd Notices; b) ICANN staff is not able to contact Pacnames via telephone during business hours in the United States and New Zealand; c) Pacnames does not return voice messages left by ICANN staff. ICANN has received complaints from registrars that encounter similar difficulties in contacting Pacnames while performing registrar services.

The difficulties encountered by registrants maintaining their domain names with Pacnames, along with the pattern of non-collaboration with ICANN and other registrars, is a serious concern. ICANN will review and monitor Pacnames for three months to ensure Pacnames' continued compliance with the RAA, collaboration with ICANN and other stakeholders, and remediation of any deficiencies.

Required Actions for Review and Monitoring

By 26 August 2013, 15 working days from the date of this letter, for the 25 domains in Exhibit A, for the period 5 August 2010 to present, provide ICANN with the following:

1. For each domain name registration, the data elements listed in Sections 3.3.1.1 through 3.3.1.8 of the RAA and the name and (where available) postal address, e-mail address, voice telephone number, and fax number of the billing contact; and any other Registry Data that Pacnames has submitted to the Registry Operator or placed in the Registry Database under Section 3.2 of the RAA;



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2. The submission date and time, and the content, of all registration data (including updates) submitted in electronic form to the Registry Operator(s);
3. All written communications constituting registration applications, confirmations, modifications, and terminations and related correspondence with Registered Name Holders, including registration agreements; and
4. Records of the accounts of all Registered Name Holders with Pacnames, including dates and amounts of all payments and refunds.

For those domains in Exhibit A still registered with Pacnames, Pacnames shall provide monthly updates for 1-4 above. This should be provided on the 1st of the month for September, October, and November 2013.

If Pacnames fails to timely cure the breach and provide the information requested above, ICANN may commence the termination process. If Pacnames fails to timely provide the information requested above for review and monitoring, ICANN will issue a notice of breach against Pacnames.

No extensions are available for the required actions and deadlines in this Notice of Breach.

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", is written over a light blue circular watermark.

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



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ATTACHMENT

Failure to Make Records Relating to Registered Name Holders Available to ICANN

Section 3.4.2 of the RAA requires Pacnames 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 Pacnames' management. Section 3.4.3 of the RAA requires Pacnames to make these records and data available to ICANN upon reasonable notice. Section 3.7.5 of the RAA requires Pacnames to send at least two renewal reminders prior to the expiration of a domain name. Section 3.7.7 of the RAA requires Pacnames to enter into a registration agreement with all registrants under Pacnames' management.

As detailed in the chronology below, ICANN sent three notices to Pacnames requesting registration data and records for the domains primarycaredoctors.com. To date, Pacnames has not provided these documents.

Chronology:

Date of Notice	Deadline for Response	Details
20 June 2013	27 June 2013	ICANN sent 1st compliance notice via e-mail to kim.story@pacnames.com . No response received.
28 June 2013	8 July 2013	ICANN sent 2nd compliance notice via e-mail to kim.story@pacnames.com . No response received.
8 July 2013	N/A	ICANN called registrar via telephone at +1 303 302 1400. Unable to reach representative.
8 July 2013	N/A	ICANN called registrar via telephone at +64 9 353 1480. Left message referring to ticket and issue.
10 July 2013	17 July 2013	ICANN sent 3rd compliance notice via e-mail to kim.story@pacnames.com .
10 July 2013	N/A	ICANN attempted to fax 3rd notice to registrar at +1 303 278 8809. Fax unsuccessful.
10 July 2013	N/A	ICANN attempted to fax 3rd notice to registrar at +64 9 353 1480. Fax successful.



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10 July 2013	N/A	ICANN attempted to fax 3rd notice to registrar at +64 9 353 1429. Fax successful.
15 July 2013	N/A	ICANN called registrar via telephone at +1 303 302 1400. Left message referring to ticket and issue.
15 July 2013	N/A	ICANN called registrar via telephone at +64 9 353 1480. Left message referring to ticket and issue.
16 July 2013	N/A	Registrar responded to 3 rd Notice; however, documentation was found to be insufficient.



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EXHIBIT A - CONFIDENTIAL

[REDACTED]