



The Internet Corporation for Assigned Names and Numbers

18 August 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Joaquim Torres
Locaweb Servicos de Internet S/A dba LocaWeb (IANA #1080)
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Brazil

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Fax: +55 11 3544 0546

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Torres,

Please be advised that as of 18 August 2014, Locaweb Servicos de Internet S/A dba LocaWeb ("LocaWeb") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 6 March 2011 ("RAA"). This breach results from:

- LocaWeb's failure to provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active Registered Names sponsored by Registrar for each TLD in which it is accredited, as required by Section 3.3.1 of the RAA.

Please refer to the attachment for details regarding this breach.

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

1. Failure to provide a description on LocaWeb'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"); and

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2. Failure to provide a description on LocaWeb's website of methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the ERRP.

Additional Considerations

ICANN notes that since March 2014, LocaWeb indicated to ICANN the intent to voluntarily terminate its RAA. Despite repeated requests and extensions by ICANN, to date LocaWeb has not provided the necessary documentation to request voluntary termination.

ICANN requests that LocaWeb cure the breaches by 9 September 2014, 15 working days from the date of this letter, by taking the following actions:

1. Provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active Registered Names sponsored by Registrar for each TLD in which it is accredited in accordance with Section 3.3.1 of the RAA;
2. Clearly display on LocaWeb's website a link to renewal fees, post-expiration renewal fees (if different) and redemption/restore fees; and
3. Provide on LocaWeb's website a description of methods used to deliver pre- and post-expiration notifications.

– OR –

1. Request voluntary termination in the manner detailed on ICANN's Terminating an Accreditation webpage (<https://www.icann.org/resources/pages/terminating-2013-07-08-en>).

If LocaWeb fails to timely cure the breaches and provide the information requested by 9 September 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". The signature is fluid and cursive.

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



ATTACHMENT

Failure to provide an interactive web page and a port 43 Whois service

Section 3.3.1 of the RAA requires registrars to provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by the registrar.

As detailed in the chronology, ICANN sent LocaWeb multiple compliance notices concerning its failure to provide an interactive web page and port 43 Whois service. LocaWeb's failure to provide an interactive web page and port 43 Whois service is a breach of Section 3.3.1 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. LocaWeb'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 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. LocaWeb's failure to describe these notifications on its website is a breach of Section 4.2 of the ERRP.

Chronology:

Date of Notice	Deadline for Response	Details
14-May-2014	21-May-2014	ICANN sent 1st compliance notice via email to joaquim.torres@locaweb.com.br . No response received from Registrar.

Date of Notice	Deadline for Response	Details
28-May-2014	4-Jun-2014	ICANN sent 2nd compliance notice via email to joaquim.torres@locaweb.com.br . No response received from Registrar.
4-Jun-2014	N/A	ICANN called Primary Contact at +55 11 3544 0631 and mobile number at [MOBILE REDACTED]. No answer. No option to leave a message.
5-Jun-2014	12-Jun-2014	ICANN sent 3rd compliance notice via email to joaquim.torres@locaweb.com.br . No response received from Registrar.
5-Jun-2014	N/A	ICANN sent 3rd compliance notice via fax to +55 11 3544 0546. Fax unsuccessful.
11-Jun-2014	N/A	ICANN called Primary Contact at +55 11 3544 0631 and left message with receptionist.
13-Jun-2014	N/A	Primary Contact called ICANN and left a voice message requesting a return call.
16-Jun-2014	N/A	ICANN called Primary Contact's mobile at [MOBILE REDACTED]. Registrar asked ICANN to resend the 3rd notice. ICANN resent 3rd notice to joaquim.torres@locaweb.com.br .
16-Jun-2014	N/A	Email from Registrar (joaquim.torres@locaweb.com.br) indicated that Registrar found ICANN's notices in his spam folder.
18-Jun-2014	N/A	Email from Registrar (marcos.oliveira@locaweb.com.br) with insufficient response. Registrar advised ICANN of intent to voluntarily terminate accreditation by the end of July.
24-Jun-2014	1-Jul-2014	ICANN sent follow up notice via email to marcos.oliveira@locaweb.com.br and joaquim.torres@locaweb.com.br . ICANN noted that

Date of Notice	Deadline for Response	Details
		Registrar had not begun the voluntary termination process and needed to correct their Whois output to be in compliance.
1-Jul-2014	N/A	Email from Registrar (marcos.oliveira@locaweb.com.br) requesting an extension until 31 July 2014 to voluntarily terminate.
7-Jul-2014	31-July-2014	ICANN sent a follow up notice via email to marcos.oliveira@locaweb.com.br and joaquim.torres@locaweb.com.br granting an extension to 31 July 2014.
31-Jul-2014	N/A	Email from Registrar (marcos.oliveira@locaweb.com.br) requesting an additional 3-week extension to submit documents to request voluntary termination process.
7-Aug-2014	N/A	ICANN sent email to joaquim.torres@locaweb.com.br denying the request for extension.
11-Aug-2014	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
18-Aug-2014	N/A	No response received from Registrar and the issue remains unresolved.