



TRANSMITTED VIA FACSIMILE, ELECTRONIC MAIL AND COURIER SERVICE

9 June 2011

Mr. Chang Nyoung Suh
Asadal, Inc. (IANA ID #632)
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Seoul 153-803
Korea (South)

Fax: +82-2-2026-2009
Email: domain@asadal.com

CC: Jang-hee Han hjh@asadal.com

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Chang Nyoung Suh:

Please be advised that as of the date of this letter, Asadal, Inc. ("Asadal") is in breach of its Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 10 March 2009 ("RAA"). These breaches result from:

1. Asadal's non-compliance with the Inter-Registrar Transfer Policy (IRTP), which is incorporated into the RAA by reference (see Section 3.3.4 of the RAA); and
2. Asadal's failure to escrow gTLD registration data pursuant to Section 3.6 of the RAA.

In addition, ICANN is concerned that Asadal failed to respond to ICANN's correspondence concerning these breaches in the past few months. We set out in the annexure details regarding these breaches and concern.

We request that Asadal cure each of the breaches within 15 working days from the date of this letter by demonstrating the steps taken to bring its transfer practices into compliance with the IRTP and getting the escrow registration data "on a schedule, under the terms, and in the format specified by ICANN". If Asadal fails to cure these breaches, ICANN may commence the termination process.



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Please contact me at pam.little@icann.org if you have any questions or require assistance.

Very truly yours,

A handwritten signature in black ink that reads "P. Little". The signature is written in a cursive, flowing style.

Pam Little
Senior Director, Asia Pacific
Contractual Compliance



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ANNEXURE

1. Failure to comply with the IRTP

The IRTP is an ICANN Consensus Policy with which, under the RAA, every ICANN-accredited registrar is required to comply. ICANN conducted an IRTP audit in September 2010 to assess registrar compliance with this Consensus Policy. Asadal was deemed non-compliant. A non-compliance notice dated 20 January 2011 was sent to Asadal via email, facsimile and courier (“Non-Compliance Notice”).

In the Non-Compliance Notice, ICANN stated the reasons¹ why Asadal was deemed non-compliant and requested that Asadal propose a corrective action plan by 15 February 2011 in order to bring its transfer practices into compliance. To date, Asadal has not responded to the Non-Compliance Notice or subsequent communications on this matter from ICANN, despite numerous attempts made by ICANN staff to contact Asadal by telephone and email. We therefore have no evidence to show that Asadal has taken any corrective action to address its transfer practices and as such, remains non-compliant with the IRTP and continues to be in breach of the RAA.

2. Failure to Escrow gTLD Registration Data

Section 3.6 of the RAA requires Asadal, “on a schedule, under the terms, and in the format specified by ICANN” to “submit an electronic copy of the database described in Subsection 3.4.1 (of the RAA) to ICANN or, at its expense, to a reputable escrow agent mutually approved by Registrar and ICANN”.

Our records show that Asadal is required to escrow data with Iron Mountain Intellectual Property Management, Inc. (“Iron Mountain”) on a weekly basis (on Mondays). However, based on the reports provided by Iron Mountain to ICANN over the past few months, it appears that Asadal repeatedly failed to either deposit data or

¹ Based on ICANN’s review of the documents and information Asadal provided to ICANN during the audit, it appeared that Asadal, as the gaining registrar, proceeded with four transfers that were subject to the audit without the express authorization from the Transfer Contact and, despite our initial request for copies of the completed Standardized Form of Authorization (“FOA”) and our numerous subsequent requests by email and telephone calls, Asadal failed to provide ICANN with any copy of the FOAs or documentation to demonstrate compliance.



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if attempts were made, the data deposited did not meet the required format or specifications. More specifically:

- The last full successful deposit by Asadal was received on 8 November 2010.
- During the period between 10 August 2010 and 18 January 2011, Asadal attempted to deposit each Monday but most of these deposits were unsuccessful as the reports provided by Iron Mountain to ICANN indicate those deposits as being “Invalid Archive - Incomplete Archive file set”, which means the data deposited by Asadal did not meet the required format or specifications.
- For a period of seven weeks, between 19 January 2011 and 20 March 2011, no deposits were received by Iron Mountain from Asadal.
- On Monday 21 March 2001, Asadal attempted to make a deposit but the deposit was again unsuccessful.
- Since 21 March 2011 and for a period of nine weeks, no deposits were received by Iron Mountain until 23 May 2011.

We note Asadal attempted to make deposits on 23 May 2011 and 3 June 2011 respectively. However, according to the reports provided by Iron Mountain, both deposits contained “Incomplete Archive” (which means the deposits did not include one or more of the files required for deposit).

Since August 2010 up to recently, ICANN staff repeatedly sent inquires to Asadal reminding your registrar of the missed or unsuccessful deposits and requesting Asadal to respond to ICANN and address these issues. However, to date, Asadal has never responded to any ICANN inquiries about this matter.

As evidenced by the above and the chronology below, it is clear that Asadal repeatedly failed to escrow registration data “on a schedule, under the terms, and in the format specified by ICANN” and such failure constitutes a breach of Section 3.6 of the RAA.



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Other ICANN Concern – Failure to Respond to ICANN Correspondence

ICANN is concerned that Asadal has failed to respond to ICANN's correspondence concerning those breaches outlined above.

Over the past few months, ICANN staff has made numerous attempts to contact Asadal using the telephone number, email address, facsimile number and postal address captured in "RADAR" (which is commonly referred to as the "primary contact information" by ICANN and the registrar community) and other contact information available to us. To date, the primary contact information remains unchanged. It is unclear whether Asadal's primary contact information in RADAR is out of date or whether Asadal is simply ignoring ICANN's correspondence.

It is essential that registrars maintain accurate primary contact information, as this is ICANN's source for contacting its contracted parties. Registrar failure to maintain accurate primary contact information or failure to respond to ICANN's correspondence undermines the basic principles of contract law and thwarts ICANN's efforts to enforce the terms of the RAA.

Pursuant to section 5.11 of the RAA, all notices to be given under the RAA must be given in writing at the addresses provided in the RAA, unless a change of address has been provided by the parties to the contract. This section of the RAA further provides that notices required by the RAA are deemed properly given when delivered, "in person, when sent by electronic facsimile with receipt confirmation of delivery or when scheduled for delivery by internationally recognized courier service." As such, notwithstanding the reasons for Asadal's failure to respond to ICANN correspondence, ICANN is of the view that all required notices were deemed duly given to Asadal in accordance with the RAA.

Below is a chronology of our correspondence and other attempts to contact Asadal to date:

- | | |
|-------------|---|
| 03-Aug-2010 | Sent 1st monthly inquiry regarding registrar data escrow (RDE) to email address to domain@asadal.com re last deposit on 6 June 2010. |
| 10-Aug-2010 | Sent follow-up email to email address joo@asadal.com re last RDE deposit on 6 June 2010. |



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- 03-Feb-2011 Sent 1st monthly RDE inquiry email to email addresses domain@asadal.com and joo@asadal.com re last deposit on 18 January 2011.
- 14-Feb-2011 Sent follow-up email to email addresses domain@asadal.com and joo@asadal.com re last deposit on 18 January 2011.
- 16-Feb-2011 Called on phone +82 2 20262019 but could not understand voice message.
- 17-Feb-2011 Sent 2nd follow-up email to email addresses domain@asadal.com and joo@asadal.com re last deposit on 18 January 2011 and our inability to contact Asadal by phone.
- 22-Feb-2011 Sent facsimile to +82 2 20262009 re RDE deposit and the IRTP Non-Compliance Notice requesting Asadal to contact ICANN. Confirmation of facsimile delivery received.
- 07-Apr-2011 Sent 1st monthly RDE inquiry email to email addresses domain@asadal.com and bkh173@asadal.com re last deposit on 21 March 2011.
- 3 May 2011 Called on phone +82 2 20262019 to a suggested new contact at Asadal, KyungHwa Bae. No reply received from the voice message left by ICANN requesting a return call.
- 23 May 2011 Re-sent IRTP and RDE non-compliance emails to email addresses domain@asadal.com and hjh@asadal.com (email address for Jang-hee Han, a new registrar contact that ICANN staff discovered incidentally). Requested reply within 48 hours but no reply was received.
- 24 May 2011 Called on phone +82 2 20262005 to Jang-hee Han but the call was not answered.
- 25 May 2011 Called on +82 2 20262005 and spoke briefly to Jang-hee Han. ICANN Compliance staff asked him if he had received previous emails about RDE and IRTP, and he replied that he would look



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for them. ICANN Compliance staff explained to him that Asadal was at risk of losing its accreditation and said that it was important that Asadal reply to the emails and take remedial actions.

- 25 May 2011 Re-sent IRTP and RDE non-compliance emails to email addresses hjh@asadal.com and poetry1@nate.com (Jang-hee Han's personal email address, at his request) and requested reply but no reply was received.
- 26 May 2011 Called Jang-hee Han on +82 2 20262005 and informed him that, unless he replied to ICANN Compliance's emails, a breach notice will be issued to Asadal.
- 27 May 2011 Re-sent IRTP and RDE non-compliance emails to email addresses hjh@asadal.com and poetry1@nate.com. Sent request that Asadal update RADAR as no contact could ever be made with the listed primary contact Chang Nyoung Suh. Requested an urgent reply to emails by 5:00pm Friday, 27 May 2011.
- 27 May 2011 Jang-hee Han called Compliance staff, Maggie Hudson to say he was fixing the WDRP request from ICANN. Ms Hudson asked him about the IRTP and RDE non-compliance emails and RADAR request, but he seemed not to understand. Jang-hee Han later replied to email re RADAR update, however there was no message contained in the email that he sent. There was no reply to the IRTP or RDE non-compliance emails sent to him.