

1 June 2023

TRANSMITTED VIA ELECTRONIC MAIL AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]
Epik Inc. (IANA #617)
[REDACTED]

Emails: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 1 June 2023, Epik Inc. (“Epik” or “Registrar”) is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 1 February 2019 (“RAA”).

This breach results from Epik’s failure to:

1. Pay past due accreditation fees, as required by Section 3.9 of the RAA.

Please refer to the attachment for details regarding this breach.

Additional Concerns

ICANN Contractual Compliance continues to receive complaints from Registered Name Holders (“RNHs”) asserting that Epik is exhibiting a pattern of non-response or delayed response and action to domain name registration renewal and transfer requests. The Registrar has remained responsive to ICANN’s numerous inquiries and notices in this regard. Further, ICANN Contractual Compliance has confirmed that, to date, the specific issues for the affected domain names included in the complaints received by ICANN Contractual Compliance were subsequently addressed. However, additional complaints with expired domain name registrations continue to be received and ongoing cases exist as of the time of this notice. Furthermore, upon ICANN’s request, the Registrar indicated that several hundred domain names have been impacted by the issues that currently prevent Epik from timely providing certain Registrar Services. To date, Epik has not provided ICANN with a detailed description of the specific measures the Registrar has implemented to fully address those issues and ensure timely provision of Registrar Services, including those related to domain name renewals and transfers, for all generic top-level domains (“gTLD”) domain names sponsored by the Registrar prior to, and without the need of, being contacted by ICANN Contractual Compliance.

To avoid termination of Epik's RAA, Epik must cure this notice of breach by 22 June 2023, 21 days from the date of this letter, by taking the following actions:

1. Provide a detailed description of the specific actions, with implementation dates and milestones, the Registrar has taken to ensure the timely and compliant provision of Registrar Services, including, but not limited to, the timely renewal of gTLD domain names sponsored by Epik, as required by Section 2.2.5 of the Expired Registration Recovery Policy.
2. With respect to the several hundred domain names that the Registrar indicated had been impacted by the issues preventing Epik from timely providing certain Registrar Services:
 - a. Explain how the Registrar applied the actions detailed in item number 1 above to each gTLD domain name.
 - b. Explain how the Registrar is obtaining confirmation of the resolution of the issues impacting each gTLD domain name as it pertains to Registrar Services.
 - c. Confirm the issues referenced in item 2.b. above have been resolved for each gTLD domain name.
 - d. Confirm whether Epik has identified any additional impacted gTLD domain names; and, if so:
 - i. Indicate how many additional impacted gTLD domain names have been identified;
 - ii. Confirm that the actions in item number 1 above have also been applied to any additional impacted gTLD domain name; and
 - iii. Confirm the relevant issues for all additional gTLD domain names have been resolved.
3. Pay all past and currently due accreditation fees, as required by Section 3.9 of the RAA.
4. Upon making full payment of due ICANN accreditation fees, confirm that Epik is in good standing with respect to all its payment obligations which impact the Registrar's ability to timely provide all Registrar Services required under the RAA and ICANN Consensus Policies.

If by 22 June 2023 Epik fails to take the action and provide the information described in items 1 through 4 above and cure the breach, ICANN shall commence the RAA termination process.

If you have questions or require assistance, please contact Leticia Castillo at [REDACTED].

Sincerely,
[SIGNATURE REDACTED]

Jamie Hedlund
Senior Vice President, Contractual Compliance and U.S. Government Engagement

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to pay accreditation fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Epik owes ICANN past due accreditation fees, in breach of Section 3.9 of the RAA. Epik additionally owes currently due accreditation fees, due 14 June 2023.

CHRONOLOGY

In the notice detailed in the chronology below, ICANN notified the Registrar of the violations associated with the case, including the relevant ICANN agreement. The telephone call below describes a further attempt from ICANN to communicate to the Registrar the details and urgency of the case and to make an ICANN Contractual Compliance staff member available to address any questions in order to assist Epik in becoming compliant. These attempts were unsuccessful.

Chronology (Case#01220441)

Date of Notice	Deadline for Response	Details
9-Mar-2023 21-Mar-2023 6-Apr-2023 21-Apr-2023	N/A	ICANN sent detailed customer statements to Epik Inc. regarding past due fees.
15-May-2023	N/A	Epik Inc.'s past due fees were referred to ICANN Contractual Compliance.
23-May-2023	31-May-2023	Due to the Registrar's failure to fulfil its payment obligations impacting its ability to timely provide Registrar Services and, therefore, putting RNHs at risk, ICANN sent an Escalated Notice via email to [EMAILS REDACTED]. No response received from the Registrar.
24-May-2023	N/A	ICANN called Registrar Representative and provided Registrar Representative with complaint details.
30-May-2023	31-May-2023	ICANN sent follow-up compliance notice to reiterate what was needed to demonstrate compliance following the Registrar's requests submitted to ICANN org outside of the compliance case via email to [EMAILS REDACTED].
1-June-2023	N/A	ICANN received a call from Registrar Representative and reiterated to Registrar Representative what was needed to demonstrate compliance.

Date of Notice	Deadline for Response	Details
1-June-2023	N/A	Email from the Registrar ([EMAIL REDACTED]) insufficient to demonstrate compliance.
1-June-2023	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
1-June-2023	N/A	To date, the Registrar has not provided ICANN with the requested records and information, and the issue remains unresolved.