

4 September 2024

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]
DOMAINNAME FWY, INC.
[REDACTED]

Emails: [REDACTED]
Fax: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 4 September 2024, DOMAINNAME FWY, INC. ("DOMAINNAME FWY" or "Registrar") is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 28 April 2024 ("RAA"). This breach results from:

1. DOMAINNAME FWY's failure to timely submit data escrow deposits to an ICANN-approved data escrow agent according to the schedule, terms, and format specified by ICANN, as required by Section 3.6 of its RAA.

Please refer to the attachment below for details regarding this breach.

In addition, the Registrar has been deemed noncompliant in the following area:

2. DOMAINNAME FWY's failure to implement a Registration Data Access Protocol ("RDAP") Directory Service that uses the most recent version of the RDAP Technical Implementation Guide posted at <https://icann.org/gtld-rdap-profile>, as required by Section 1.2.1 of the Registration Data Directory Service ("RDDS") Specification of the RAA.

Additional Concerns

ICANN [changed](#) its designated data escrow agent (“DEA”) from NCC Group Software Resilience (NA) LLC (“NCC Group”) to DENIC Services GmbH & Co. KG (“DENIC”). DOMAINNAME FWY received ample notice from ICANN of the Registrar’s need to transition from NCC Group to DENIC or to an alternative ICANN-approved DEA. Despite ICANN’s multiple attempts to provide the Registrar with the information needed to complete the transition, DOMAINNAME FWY failed to take the necessary action. This impacts the Registrar’s ability to deposit data escrow as required by its RAA.

As detailed in the chronology below, ICANN Contractual Compliance sent the Registrar multiple notices requesting DOMAINNAME FWY to become compliant.

Several attempts were also made to contact DOMAINNAME FWY through telephone, without success. Throughout this process, the Registrar provided untimely and incomplete responses to ICANN Contractual Compliance. These responses consisted of repeated requests for extensions and unfulfilled promises of taking action to become compliant.

ICANN requests that DOMAINNAME FWY cure these breaches by 25 September 2024, 21 days from the date of this letter, by taking the following actions:

1. Submit data escrow deposits to an ICANN-approved DEA on a weekly basis and ensure that the deposits meet the required specifications. This includes promptly taking all necessary steps to successfully complete the transition from NCC to DENIC or to an alternative ICANN-approved DEA.
2. Demonstrate that DOMAINNAME FWY’s RDAP Directory Service provides free public query-based access to up-to-date (i.e., updated at least daily) data concerning all active Registered Names sponsored by Registrar in any gTLD, as required by Section 3.3.1 of the RAA.
3. Demonstrate that DOMAINNAME FWY has implemented the most recent version of the RDAP Technical Implementation Guide and the RDAP Response Profile posted at <https://icann.org/gtld-rdap-profile> in its RDAP Directory Service, as required by Section 1.2.1 of the RDDS Specification of the RAA.
4. Provide ICANN with the corrective and preventive action(s) that DOMAINNAME FWY will take, with implementation date(s), to address its pattern of untimely and incomplete responses and/or non-response to ICANN.

If DOMAINNAME FWY fails to timely cure the violations explained in this Notice of Breach and provide the information requested by 25 September 2024, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Leticia Castillo (REDACTED) and Amanda Rose (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 deposit gTLD registration data to an ICANN-approved DEA

Section 3.6 of the RAA requires ICANN-accredited registrars to submit data escrow deposits according to the schedule, terms, and format specified by ICANN. Registrars may use an [ICANN-Designated Registrar Data Escrow Agent](#) (DEA) at no charge or use an [ICANN-Approved Registrar DEA](#) at the registrar's expense for depositing their escrow records. Registrar data escrow requirements, as prescribed in the RAA, are further detailed in the [Registrar Data Escrow Specification](#). As of 21 August 2024, registrars are permitted to implement the Registration Data Policy, which modifies certain requirements within Section 3.6 of the RAA. Accordingly, until the 21 August 2025 effective date of the Registration Data Policy, registrars may implement either the 2007 or the 2024 version of the Registrar Data Escrow Specification. DOMAINNAME FWY has repeatedly failed to take the necessary action to submit data escrow deposits including by completing the DEA transition. Further, by failing to timely escrow data, DOMAINNAME FWY has been putting Registered Name Holders at risk of losing their domain name registrations with no chance of recovery in the event of Registrar failure, accreditation termination or nonrenewal.

Failure to provide a Registration Data Access Protocol ("RDAP") Directory Service that uses the most recent version of the RDAP Technical Implementation Guide

Section 3.3.1 of the RAA requires registrars to provide a RDAP Directory Service as defined in the RDDS Specification of the RAA, which provides free public query-based access to registration data for all domain names sponsored by the registrar in any generic top-level domain (gTLD). Section 1.2.1 of the RDDS Specification of the RAA requires registrars to implement the most recent version of the RDAP Technical Implementation Guide and RDAP Response Profile posted at <https://icann.org/gtld-rdap-profile>. ICANN tested the Registrar's RDAP Directory Service using their registered RDAP uniform resource locator (URL), which yielded various errors indicating that the Registrar has failed to implement the most recent version of the RDAP Technical Implementation Guide. As a result, domain name queries fail to return registration data, as required by Section 3.3.1, and ICANN is unable to determine if the Registrar has implemented the required RDAP Response Profile.

CHRONOLOGY

In the compliance notices detailed below, ICANN notified the Registrar of the violations, including the relevant ICANN policies, agreements, and processes.

Each communication requested the evidence, information and actions needed from DOMAINNAME FWY to become compliant. All follow-up notices constituted additional attempts by ICANN to obtain evidence of compliance from the Registrar. All telephone call details below described further attempts from ICANN to communicate to the Registrar the details of the cases, and to make an ICANN Contractual Compliance staff member available to address any

questions in order to assist DOMAINNAME FWY in becoming compliant. All efforts were unsuccessful.

Chronology (case #01325127)

Date of Notice	Deadline for Response	Details
22-Jul-2024	29-Jul-2024	Due to other DOMAINNAME FWY-affiliated registrars progressively failing on the same RAA obligations and being the subject to additional compliance cases, ICANN consolidated this matter with the compliance case #01325127. Through this case, ICANN sent a compliance notice via email to [EMAILS REDACTED].
29-Jul-2024	N/A	Emails from the Registrar [EMAIL REDACTED] insufficient to demonstrate compliance.
30-Jul-2024	N/A	Emails from the Registrar [EMAIL REDACTED] insufficient to demonstrate compliance.
2-Aug-2024	9-Aug-2024	ICANN sent follow-up compliance notice via email to [EMAILS REDACTED]. No response received from the Registrar.
3-Sep-2024	N/A	ICANN conducted compliance checks to determine other areas of noncompliance.
4-Sep-2024	N/A	To date, the Registrar has not taken the necessary action to become compliant with its RAA obligations.