

10 May 2019

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

**RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT**

Iliia Kostiuchenko  
BrandNames.com SARL (IANA#911)  
Chirosima 2 Levanta Court, Block A, 2nd floor, office A203  
Limassol 3055  
Cyprus

Email: [registrar@brandnames.com](mailto:registrar@brandnames.com)

Fax: +44 2030311130

Dear Iliia Kostiuchenko:

Please be advised that as of 10 May 2019, BrandNames.com SARL ("BrandNames.com") is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 9 October 2014 ("RAA"). This breach results from:

1. BrandNames.com's failure to provide an interactive webpage and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by BrandNames.com for each top-level domain ("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, BrandNames.com has been deemed noncompliant in the following areas:

1. BrandNames.com's failure to escrow gTLD registration data, as required by Section 3.6 of the RAA;
2. BrandNames.com's failure to clearly display on its website, and include a link in its registration agreement to, BrandNames.com's 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");
3. BrandNames.com's failure to provide on its website and in its registration agreement a description of the methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the ERRP; and

4. BrandNames.com's failure to provide and maintain accurate and current information as specified in the Registrar Information Specification ("RIS"), including documentation demonstrating it is legally established and in good standing, as required by Section 3.17 of the RAA.

#### Additional Concerns

Due to the unavailability of a registrar Whois output by BrandNames.com, ICANN is unable to currently confirm BrandNames.com's compliance with Whois formatting requirements.

Additionally, the number of second level domain names (SLDs) being reported as registered by BrandNames.com may not be consistent with the number of SLDs contained in BrandNames.com's latest escrow deposits.

ICANN requests that BrandNames.com cure these breaches by 31 May 2019, 21 days from the date of this letter, by taking the following actions:

1. Provide an interactive webpage and, with respect to any gTLD operating a "thin" registry, a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by BrandNames.com for each TLD in which it is accredited;
2. Deposit gTLD registration data on a weekly basis to an approved escrow agent, ensure that the deposits meet the required specifications, and provide an explanation to address the inconsistent number of SLDs noted above;
3. Clearly display renewal fees, post-expiration renewal fees (if different) and redemption/restore fees on BrandNames.com's website and provide a link to these fees in BrandNames.com's registration agreement;
4. Provide a description of the methods used to deliver pre- and post-expiration notifications on BrandNames.com's website, and include such description or a link to the applicable page(s) on its website where this information is available in BrandNames.com's registration agreement; and
5. Provide ICANN with a completed RIS form, with accurate and current information, the required supporting documentation, including documentation demonstrating BrandNames.com is legally established and in good standing, and the location of any applicable information published on BrandNames.com's website, as required by Section 3.17 of the RAA.

If BrandNames.com fails to timely cure the breaches and provide the information requested by 31 May 2019, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Leticia Castillo at [leticia.castillo@icann.org](mailto:leticia.castillo@icann.org).

Sincerely,



Jamie Hedlund  
Senior Vice President, Contractual Compliance and Consumer Safeguards  
Managing Director, Washington, DC Office

Cc: John O. Jeffrey, General Counsel and Secretary

## ATTACHMENT

### Failure to provide an interactive webpage and port 43 Whois service

Section 3.3.1 of the RAA requires registrars to provide an interactive webpage 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. BrandNames.com's failure to provide an interactive webpage, providing results for the queried domain name, and a port 43 Whois service is a breach of Section 3.3.1 of the RAA.

### Failure to escrow gTLD registration data

Section 3.6 of the RAA requires registrars to submit an electronic copy of the data described in Sections 3.4.1.2 through 3.4.1.5 of the RAA to ICANN or, at the registrar's expense, to a reputable escrow agent mutually approved by the registrar and ICANN. Registrars shall submit the data on a schedule, under the terms, and in a format specified by ICANN. BrandNames.com's failure to deposit gTLD registration data with an approved escrow agent under the required schedule and terms is a breach of Section 3.6 of the RAA.

### Failure to clearly display renewal fees, post-expiration renewal fees (if different) and redemption/restore fees on registrar's website and in registration agreement

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 (RNHs) and prospective RNHs 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 agreement. BrandNames.com's failure to provide a link in its registration agreement and clearly display these fees on its website is a breach of Section 4.1 of the ERRP.

### Failure to describe 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), and include in their registration agreements a description of its notification method or a link to the applicable page(s) on their websites where this information is available, the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. BrandNames.com's failure to describe these notification methods on its website and in its registration agreement is a breach of Section 4.2 of the ERRP.

### Failure to provide and maintain required information

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information and documentation specified in the RIS. BrandNames.com's failure to provide to ICANN and maintain accurate and current information and documentation as specified in the RIS is a breach of Section 3.17 of the RAA.

### Chronology:

Date of Notice	Deadline for Response	Details
19-Mar-2019	26-Mar-2019	ICANN sent 1st compliance notice via email to <a href="mailto:registrar@brandnames.com">registrar@brandnames.com</a> . No response received from Registrar.
27-Mar-2019	3-Apr-2019	ICANN sent 2nd compliance notice via email to <a href="mailto:registrar@brandnames.com">registrar@brandnames.com</a> . No response received from Registrar.
28-Mar-2019	N/A	ICANN called Primary Contact at mobile number [NUMBER REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at +79103326543. No answer and no ability to leave a voicemail.
4-Apr-2019	11-Apr-2019	ICANN sent 3rd compliance notice via email to <a href="mailto:registrar@brandnames.com">registrar@brandnames.com</a> .
4-Apr-2019	N/A	ICANN sent 3rd compliance notice via fax to +44 2030311130. Fax successful.
8-Apr-2019	N/A	ICANN called Primary Contact at mobile number [NUMBER REDACTED] and provided Primary Contact with complaint details.
12-Apr-2019	N/A	Email from Registrar [EMAIL REDACTED] insufficient to demonstrate compliance.
15-Apr-2019	22-Apr-2019	ICANN sent follow-up compliance notice via email to <a href="mailto:registrar@brandnames.com">registrar@brandnames.com</a> and [EMAIL REDACTED]. No response received from Registrar.
18-Apr-2019	N/A	ICANN called Primary Contact at mobile number [NUMBER REDACTED] and provided Primary Contact with complaint details.
2-May-2019	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
10-May-2019	N/A	To date, the Registrar has not responded to ICANN with the requested information and the issue remains unresolved.