

17 October 2023

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]
OpenTLD B.V. (IANA #1666)
[REDACTED]

Email: [REDACTED]
Fax: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 17 October 2023, OpenTLD B.V. (“OpenTLD” or “Registrar”) is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 5 June 2019 (“RAA”). This breach results from:

1. OpenTLD’s failure to make registration data and records available upon request by ICANN, as required by Section 3.4.3 of the RAA.
2. OpenTLD’s failure to remove the “ClientTransferProhibited” status from the domain name upon Registered Name Holder’s (“RNH”) request, as required by Section I.A.5 of the Transfer Policy. OpenTLD also failed to provide a valid reason for denying the transfer request that is supported by the Transfer Policy.

Please refer to the attachment for details regarding this Notice of Breach.

Additional Concerns

A query of OpenTLD’s web-based WHOIS service for the domain name subject to the notices in the chronology below fails to return results, indicating that the Registrar does not appear to be providing a web-based WHOIS service concerning all active domain names sponsored by Registrar, as required by Section 3.3.9 of the RAA. Further, the Registrant’s representative indicated that the domain name was removed from the Registrant’s account and the Registrant is unable to access or manage it. OpenTLD has failed to respond to ICANN’s inquiries in this regard.

Prior Uncured Breaches

On [20 September 2023](#), ICANN issued a Notice of Breach against OpenTLD for the following RAA violations:

- (1) Section 3.4.3 of the RAA, with respect to the provision to ICANN of registration data and records concerning a number of domain names included in the cases listed in the Notice of Breach.
- (2) Section 2.2.5 of the Expired Registration Recovery Policy (“ERRP”), with respect to the renewal of domain names in the cases listed in the Notice of Breach.
- (3) Section I.A.5 of the Transfer Policy with respect to the removal of the “ClientTransferProhibited” status from domain names upon Registered Name Holders (RNHs)’ request.
- (4) Section 3.15 of the RAA, with respect to the completion and delivery to ICANN of a Compliance Certificate within twenty (20) days following the end of the 2022 calendar year.

On [29 September 2023](#), ICANN issued a Notice of Breach against OpenTLD for of the following RAA violations:

- (1) Section 3.4.3 of the RAA, with respect to the provision to ICANN of registration data and records concerning a number of domain names included in the cases listed in the Notice of Breach.
- (2) Section I.A.5 of the Transfer Policy with respect to the removal of the “ClientTransferProhibited” status from domain names upon Registered Name Holders (RNHs)’ request.
- (3) Section 3.9 of the RAA, with respect to the payment of past due accreditation fees.

As of the time of this letter, OpenTLD continues to be in violation of the RAA provisions subject to these prior Notices of Breach.

ICANN requests that OpenTLD cure this 17 October 2023 Notice of Breach by 7 November 2023, 21 days from the date of this letter, by taking the following actions:

1. For the domain name club2024[.]tickets, provide:
 - a. Evidence that the Registrar has complied with all applicable requirements in Section I.A of the Transfer Policy for allowing the RNH to transfer the domain name to a different registrar, including with respect to the removal of the “ClientTransferProhibited” status upon RNH’s request (Section I.A.5 of the Transfer Policy). If the Registrar denied a transfer request involving this domain name based on a valid reason for denial consistent with Section I.A.3 of the Transfer Policy, provide the specific reason and all pertinent evidence.

- b. Confirmation the domain name was explicitly renewed, and the Domain Name System (DNS) resolution path restored by the Registrar; and if not, an explanation why.
 - c. Confirmation the domain name is accessible in the RNH's account with the ability to manage the domain registration; if not, provide:
 - i. Clarification why the domain name was removed from the account and/or the ability to manage the domain name was suspended.
 - ii. Confirmation if such action(s) were taken by the Registrar pursuant to the terms of its registration agreement or a provision of its own policy; and if so:
 1. A copy of the applicable registration agreement or relevant policy.
 2. The location of the language supporting the action(s) taken by the Registrar.
 3. Evidence that the RNH entered into the applicable registration agreement or relevant policy with the Registrar.
 - d. Copies of all correspondence, including time-stamped communications, between OpenTLD and the RNH of the domain name, or authorized representative, related to the removal of the "ClientTransferProhibited" status, provision of the AuthInfo code, transfer requests, and renewal of the domain name.
2. If OpenTLD is unable to provide the records, information, and data in item 1 above, please detail the corrective and preventative action(s) that OpenTLD will take, with implementation date(s), to ensure compliance with (1) the requirements set forth in the Transfer Policy related to the removal of the "ClientTransferProhibited" status; (2) the renewal of registration requirements set forth in the Expired Registration Recovery Policy (ERRP); and (3) the obligation to provide records and registration data to ICANN upon reasonable notice, as required by Section 3.4 of the RAA.
 3. The corrective and preventative action(s) that OpenTLD will take, with implementation date(s), to ensure that the Registrar provides a web-based WHOIS service for all domain names sponsored by the Registrar, as required by Section 3.3.9 of the RAA.

If OpenTLD fails to timely cure this Notice of Breach and provide the information requested by 7 November 2023, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Leticia Castillo (EMAIL REDACTED) and Amanda Rose (EMAIL 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 retain Registered Name Holder and registration data and failure to make such data available for inspection and copying

Sections 3.4.2 and 3.4.3 of the RAA requires registrars to maintain RNH and registration data, and to make those records available to ICANN upon reasonable notice. OpenTLD's failure to provide the requested registration records and data related to the domain name in the compliance notices detailed in the chronology below is a breach of 3.4.3 of the RAA.

Failure to provide AuthInfo code and remove the "ClientTransferProhibited" status within five calendar days of RNH request

Section I.A.5 of the Transfer Policy requires registrars to provide the RNH with the unique AuthInfo code and remove the "ClientTransferProhibited" status within five (5) calendar days of the RNH's initial request. OpenTLD's failure to remove the aforementioned status within five days of the RNH's request concerning the relevant domain name in the chronology below is a breach of Section I.A.5 of the Transfer Policy.

CHRONOLOGIES

In the 1st, 2nd, 3rd, and revised 3rd compliance notices detailed in the chronology below, ICANN notified OpenTLD of the violations associated with each case, including the affected domain names and the relevant ICANN policies and agreements. Each communication requested the evidence, information and actions needed from OpenTLD to become compliant. All notices subsequent to each 1st notice constituted an additional attempt by ICANN to obtain evidence of compliance from OpenTLD. All telephone call details below described further attempts from ICANN to communicate to OpenTLD the details of the cases and to make an ICANN Contractual Compliance staff member available to address any questions in order to assist OpenTLD in becoming compliant and assist the relevant RNH. All these attempts were unsuccessful.

Chronology (Case#01242193):

Date of Notice	Deadline for Response	Details
8-Aug-2023	15-Aug-2023	ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
17-Aug-2023	24-Aug-2023	ICANN sent 2nd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
25-Aug-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and left voicemail complaint details.

Date of Notice	Deadline for Response	Details
14-Sep-2023	21-Sep-2023	ICANN sent 3rd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
14-Sep-2023	N/A	ICANN sent 3rd compliance notice via fax to [FAX NUMBER REDACTED]. Fax successful.
15-Sep-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and left voicemail complaint details.
4-Oct-2023	11-Oct-2023	Upon obtaining additional information from the Registrant's representative, ICANN sent revised 3rd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
4-Oct-2023	N/A	ICANN sent revised 3rd compliance notice via fax to [FAX NUMBER REDACTED]. Fax successful.
5-Oct-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] No answer and no ability to leave a voicemail.
6-Oct-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and left voicemail complaint details.
16-Oct-2023	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
17-Oct-2023	N/A	To date, the Registrar has not responded to ICANN with the requested records and information.