



The Internet Corporation for Assigned Names and Numbers

16 May 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER<sup>1</sup>

Hector Lopez  
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**RE: NOTICE OF BREACH OF REGISTRY AGREEMENT**

Dear Hector Lopez,

Please be advised that as of 16 May 2017, Aerovias del Continente Americano S.A. Avianca (“Avianca”) is in breach of its Registry Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 8 January 2015 (“RA”). This breach results from:

1. Avianca’s failure to timely pay past due fees, as required by Article 6 of the RA.

Please refer to the attachment for details regarding this breach.

In addition, Avianca has been deemed noncompliant in the following areas:

1. Avianca’s failure to provide a link on the primary website for the top-level domain (“TLD”) avianca to a webpage designated by ICANN containing Whois policy and educational materials, as required by Section 1.11 of Specification 4 of the RA;
2. Avianca’s failure to publish on its website the DNSSEC Practice Statements (“DPS”) describing critical security controls and procedures for key material storage, access and

<sup>1</sup> There is no available facsimile number associated with the registry operator.



usage for its own keys and secure acceptance of registrants' public-key material, as required by Section 1.3 of Specification 6 of the RA;

3. Avianca's failure to publish on its website abuse contact details, including a valid email and mailing address and primary contact for handling inquiries related to malicious conduct in the TLD avianca, as required by Section 4.1 of Specification 6 of the RA.

#### Additional Concerns

During the processing of this matter, ICANN learned that several of Avianca's contacts were not up to date, and they have yet to all be updated. ICANN is also unable to send a copy of this notice to Avianca via facsimile, as there is no available facsimile number associated with Avianca's contacts. Therefore, this notice will also be copied via email to one of Avianca's known working contact email addresses.

ICANN requests that Avianca cure these breaches by 15 June 2017, 30 calendar days from the date of this letter, by taking the following actions:

1. Provide a link on the primary website for the TLD avianca to a webpage designated by ICANN containing Whois policy and educational materials;
2. Publish on Avianca's website the DPS following the format described in RFC 6841;
3. Publish on Avianca's website its accurate contact details including a valid email and mailing address, as well as a primary contact, for handling inquiries related to malicious conduct in the TLD avianca;
4. Provide ICANN with corrective and preventative action(s), including implementation date(s), to ensure that
  - a. Avianca will timely make payments and respond to ICANN compliance matters; and
  - b. Avianca's contacts with ICANN are valid and up to date; and
5. Pay all past and currently due fees.

If Avianca fails to timely cure the breaches and provide the information requested by 15 June 2017, ICANN may commence the RA termination process.



Hector Lopez  
Aerovias del Continente Americano S.A. Avianca

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If you have questions or require assistance, please contact Jennifer Scott at [jennifer.scott@icann.org](mailto:jennifer.scott@icann.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "M Serad". The signature is fluid and cursive, with the first letter "M" being particularly large and stylized.

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



## ATTACHMENT

### Failure to pay fees

Article 6 of the RA requires registry operators to pay Registry-Level Fees on a quarterly basis within 30 calendar days following the date of the invoice provided by ICANN. Avianca owes ICANN past due fees, in breach of Article 6 of the RA. Avianca additionally owes currently due fees, due 30 May 2017.

### Failure to provide a link to Whois policy and educational materials on website

Section 1.11 of Specification 4 of the RA requires registry operators to provide a link on the primary website for the TLD (i.e., the website provided to ICANN for publishing on the ICANN website) to a webpage designated by ICANN containing Whois policy and educational materials. Avianca's failure to provide a link on the primary website for the TLD avianca to a webpage designated by ICANN containing Whois policy and educational materials is a breach of Section 1.11 of Specification 4 of the RA.

### Failure to publish DNSSEC Practice Statement on website

Section 1.3 of Specification 6 of the RA requires registry operators to, among other things, publish on its website the DPS describing critical security controls and procedures for key material storage, access and usage for its own keys and secure acceptance of registrants' public-key material following the format described in RFC 6841. Avianca's failure to publish DPS on its website is a breach of Section 1.3 of Specification 6 of the RA.

### Failure to publish abuse contact information on website

Section 4.1 of Specification 6 of the RA requires registry operators to provide to ICANN and publish on its website its accurate contact details including a valid email and mailing address, as well as a primary contact, for handling inquiries related to malicious conduct in the TLD, and provide ICANN with prompt notice of any changes to such contact details. Avianca's failure to publish abuse contact details on its website for TLD avianca is a breach of Section 4.1 of Specification 6 of the RA.

**Chronology:**

Date of Notice	Deadline for Response	Details
15-Sep-2016 30-Sep-2016 11-Nov-2016 10-Mar-2017	N/A	ICANN sent detailed customer statements to Aerovias del Continente Americano S.A. Avianca regarding past due fees.
23-Mar-2017	30-Mar-2017	ICANN sent 1st compliance notice via email to <a href="mailto:hector.lopez@avianca.com">hector.lopez@avianca.com</a> . No response received from Registry Operator.
4-Apr-2017	11-Apr-2017	ICANN sent 2nd compliance notice via email to <a href="mailto:hector.lopez@avianca.com">hector.lopez@avianca.com</a> . No response received from Registry Operator.
4-Apr-2017	N/A	ICANN called Compliance Contact at +503 2247 2151. Registry Operator Representative unable to take a message. ICANN called Compliance Contact at mobile number [NUMBER REDACTED]. No answer and no ability to leave a voicemail.
12-Apr-2107	19-Apr-2017	ICANN sent 3rd compliance notice via email to <a href="mailto:hector.lopez@avianca.com">hector.lopez@avianca.com</a> . No response received from Registry Operator.
12-Apr-2017	N/A	ICANN sent 3rd compliance notice via fax to +57 1423 5500. Fax unsuccessful.
19-Apr-2107	27-Apr-2017	ICANN re-sent 3rd compliance notice via email to <a href="mailto:hector.lopez@avianca.com">hector.lopez@avianca.com</a> , <a href="mailto:alex.guzman@avianca.com">alex.guzman@avianca.com</a> and <a href="mailto:pedro.beltran@avianca.com">pedro.beltran@avianca.com</a> .
19-Apr-2017	N/A	Email from Registry Operator ( <a href="mailto:alex.guzman@avianca.com">alex.guzman@avianca.com</a> ) insufficient to demonstrate compliance.
20-Apr-2017	N/A	ICANN re-sent 3rd compliance notice via fax to +57 1423 5500 Fax unsuccessful.
26-Apr-2017	N/A	ICANN called Registry Secondary Contact at +503 2247 1560. No answer and no ability to leave a voicemail. ICANN called Compliance Contact at +503 2247 2151 and at mobile number [NUMBER REDACTED]. No answer and no ability to leave a voicemail.
27-Apr-2017	N/A	Email from Registry Operator ( <a href="mailto:alex.guzman@avianca.com">alex.guzman@avianca.com</a> ) insufficient to demonstrate compliance.



Date of Notice	Deadline for Response	Details
28-Apr-2107	5-May-2017	ICANN sent escalated compliance notice via email to <a href="mailto:hector.lopez@avianca.com">hector.lopez@avianca.com</a> , <a href="mailto:alex.guzman@avianca.com">alex.guzman@avianca.com</a> , <a href="mailto:andresfelipe.munoz@avianca.com">andresfelipe.munoz@avianca.com</a> , and <a href="mailto:jose.silva@avianca.com">jose.silva@avianca.com</a> .
28-Apr-2017	N/A	ICANN sent escalated compliance notice via fax to +57 1423 5500 Fax unsuccessful.
4-May-2017	N/A	Email from Registry Operator ( <a href="mailto:alex.guzman@avianca.com">alex.guzman@avianca.com</a> ) insufficient to demonstrate compliance.
5-May-2017	N/A	ICANN called Registry Secondary Contact at +503 2247 1560. ICANN left voicemail with complaint details. ICANN called Compliance Contact at +503 224 72151 and at mobile number [NUMBER REDACTED]. No answer and no ability to leave a voicemail.
8-May-2017	N/A	Email from Registry Operator ( <a href="mailto:alex.guzman@avianca.com">alex.guzman@avianca.com</a> ) insufficient to demonstrate compliance.
12-May-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
16-May-2017	N/A	To date, the Registry Operator has not responded to ICANN with the requested information or made payment and the issue remains unresolved.