



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA FACSIMILE, ELECTRONIC MAIL, AND COURIER

18 September 2013

Giselle Villalvir del Cid  
Tecnologia, Desarrollo Y Mercado S. de R.L. de C.V. (IANA # 1582)  
10 Avenida, 3 y 4 Calle Noroeste Barrio Guamilito, #11  
San Pedro Sula  
Honduras

Fax: +1 202 625 7001  
Email: soporte@2imagen.net

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

Dear Ms. Villalvir del Cid:

Please be advised that as of 18 September 2013, Tecnologia, Desarrollo Y Mercado S. de R.L. de C.V. ("TDM") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 30 November 2011. These breaches result from:

1. TDM's failure to enter into registration agreements with Registered Name Holders of domain names as required by Section 3.7.7 of the RAA.

Please refer to the attachment for details regarding this breach.

ICANN requests that TDM cure the breaches by 9 October 2013, 15 working days from the date of this letter, by taking the following actions:

1. Provide corporate records and documentation demonstrating that TDM's Privacy Protection Service is a separate legal entity, as required by Section 3.7.7 of the RAA.

If TDM fails to timely cure these breaches and provide the information requested by 9 October 2013, ICANN may commence the RAA termination process.



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If you have questions or require assistance, please contact Owen Smigelski at [owen.smigelski@icann.org](mailto:owen.smigelski@icann.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "M Serad", is written in a cursive style.

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



### ATTACHMENT

#### Failure to Enter into Registration Agreement with Registered Name Holders

Section 3.7.7 of the RAA requires TDM to enter into a registration agreement with all Registered Name Holders for domains under TDM's management, except those domains used for the purposes of Registrar Services.

As detailed in the chronology below, ICANN sent multiple notices to TDM requesting registration data, records, and corporate documents regarding TDM's Privacy Protection Service, sufficient to demonstrate that it is a legal entity operating independently from the registrar. TDM provided registration data and records, but to date has not provided corporate documents demonstrating that TDM's Privacy Protection Service is a separate legal entity.

#### Chronology:

Date of Notice	Deadline for Response	Details
21 May 2013	29 May 2013	ICANN sent 1 <sup>st</sup> compliance notice via email to <a href="mailto:soporte@2imagen.net">soporte@2imagen.net</a> .
23 May 2013	N/A	Registrar responded to 1 <sup>st</sup> compliance notice requesting clarification of issues raised in notice.
9 June 2013	14 June 2013	ICANN sent follow-up to 1 <sup>st</sup> compliance notice via email to <a href="mailto:soporte@2imagen.net">soporte@2imagen.net</a> explaining the registration concerns and reiterated the original request. Registrar did not respond.



21 June 2013	28 June 2013	ICANN sent 2 <sup>nd</sup> compliance notice via email to <a href="mailto:soporte@2imagen.net">soporte@2imagen.net</a> . Registrar did not respond.
8 July 2013	N/A	ICANN attempted to call Registrar Primary Contact at all numbers in RADAR (+504 2510 2358, +504 9955 4559, and +504 3320 0548). All numbers were disconnected or did not exist. ICANN attempted to call the numbers listed on the Registrar's website (+504 4086888 and +504 3384 8637) and received messages the numbers were invalid or did not exist. ICANN attempted to call the mobile phone number listed on Registrar's website +504 9561 1257 and left a voicemail. There was no message identifying the Registrar, only a recording requesting the caller to leave a message.
8 July 2013	15 July 2013	ICANN sent 3 <sup>rd</sup> compliance notice via email to <a href="mailto:soporte@2imagen.net">soporte@2imagen.net</a> and via fax at 12026257001. Fax transmission successful.
12 July 2013	N/A	ICANN attempted to call Primary Contact at +504 2510 2358 and received an error message that the number had been disconnected. ICANN attempted to call Primary Contact mobile at (REDACTED). Spoke to Primary Contact who requested ICANN call back 10 minutes later. ICANN called back 15 minutes later and left a detailed voicemail.
12 July 2013	N/A	Registrar responded to 3 <sup>rd</sup> compliance notice and provided various documents.



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23 July 2013	31 July 2013	After detailed review of registrar's documents, ICANN determined they were insufficient. ICANN sent follow-up to 3 <sup>rd</sup> compliance notice via email to <a href="mailto:soporte@2imagen.net">soporte@2imagen.net</a> requesting further information and documentation.
25 July 2013	N/A	Registrar responded to follow-up to 3 <sup>rd</sup> compliance notice, requesting that ICANN communicate with its back-end provider and legal representative regarding this matter.
25 July 2013	N/A	Registrar's legal representative requested phone conference with ICANN.
30 July 2013	N/A	Registrar's back-end provider responded to follow-up to 3 <sup>rd</sup> compliance notice and provided additional clarification of previous documentation and steps taken to address compliance issues.
31 July 2013	N/A	ICANN acknowledged receipt of response and notified parties that the response was under review.
9 August 2013	N/A	ICANN sent conference call proposal via email to registrar via email to <a href="mailto:soporte@2imagen.net">soporte@2imagen.net</a> , back-end provider and legal representative.
14 August 2013	N/A	ICANN spoke with back-end provider and legal representative to clarify issues regarding registrar's Terms of Service, as well as invalid registration information associated with the Privacy Protection Service, and request for corporate documents demonstrating the Privacy Protection Service is a legal entity operating independently from the registrar. Via email, legal



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		representative indicated corporate documents would be provided to ICANN by 5 September 2013.
15 August 2013	5 September 2013	ICANN sent follow-up to 3 <sup>rd</sup> compliance notice to registrar via email to <a href="mailto:soporte@2imagen.net">soporte@2imagen.net</a> , back-end provider and legal representative summarizing the conference call and action items.
21 August 2013	N/A	Back-end provider responded to ICANN's follow-up to 3 <sup>rd</sup> compliance notice and provided amended Terms of Service in compliance with RAA, and amended Privacy Protection registration information to reflect new corporate entity. TCM's legal representative will provide corporate records and documentation demonstrating the Privacy Protection Service is a separate legal entity by 5 September 2013.
5 September 2013	N/A	No corporate records and documentation received by ICANN.