



The Internet Corporation for Assigned Names and Numbers

8 July 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

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RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. He,

Please be advised that as of 8 July 2014, Xin Net Technology Corporation (“Xin Net”) is in breach of its Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 12 December 2013 (“RAA”). These breaches result from:

1. Xin Net’s failure to allow the Registered Name Holder (“RNH”) of <jikebus.com> to transfer its domain name registration to another registrar, pursuant to Section 1 of the Inter-Registrar Transfer Policy (“IRTP”), or, alternatively, provide a valid reason for denial pursuant to Section 3 of the IRTP; and
2. Xin Net’s failure to maintain and make available to ICANN copies of registration data and records concerning the domain name <jikebus.com>, pursuant to Sections 3.4.2 and 3.4.3 of the Registrar Accreditation Agreement (“RAA”).

Please refer to the attachment for details regarding these breaches.



Additional Considerations

ICANN notes that between October 2013 and January 2014, ICANN conducted several outreach calls with Xin Net (in Chinese) regarding noncompliance with the IRTP, including use of a nonstandard Form of Authorization (“FOA”). For several months Xin Net’s transfer process appeared to comply with the IRTP, however the complaint regarding <jikebus.com> and four other pending complaints demonstrate that Xin Net’s transfer process does not comply with the IRTP and again uses the nonstandard FOA.

ICANN identified concerns regarding Xin Net’s conflicting responses to ICANN compliance notices during the processing of this complaint. In addition, Xin Net also replied directly to several ICANN staff email addresses rather than to ICANN’s complaint processing system. Unless requested otherwise, Xin Net should reply directly to ICANN compliance notices

ICANN requests that Xin Net cure the breaches by 29 July 2014, 21 calendar days from the date of this letter, by taking the following actions:

1. Take immediate action to redeem the domain name <jikebus.com>, which is now in Redemption Grace Period (RGP), to ensure the RNH maintains its domain name registration.
2. Provide copies of all registration data and records, from 16 May 2013 to present, regarding the domain name <jikebus.com>, including a copy of the communications sent to the RNH upon denying the transfer request, as required by Section 3.4.3 of the RAA.
3. Allow the RNH of <jikebus.com> to transfer its domain name registration to another registrar pursuant the IRTP; and,
4. Provide ICANN with corrective and preventive action(s), including implementation dates and milestones, to ensure that Xin Net’s transfer processes complies with the IRTP. Xin Net must demonstrate to ICANN that its remediated transfer process complies with the IRTP before the breaches are fully cured.

If Xin Net fails to timely cure the breaches and provide the information requested by 29 July 2014, ICANN may commence the RAA termination process.



John He
Xin Net Technology Corporation

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If you have questions or require assistance, please contact Owen Smigelski at owen.smigelski@icann.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Serad", is written over a light blue circular watermark that contains the text "ICANN".

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



ATTACHMENT

Failure to allow RNH to transfer its domain name registration to another registrar or, alternatively, provide a valid reason for denying the transfer.

Section 1 of the IRTP states that RNHs must be able to transfer their domain name registrations between Registrars provided that the Gaining Registrar's transfer process meets the minimum standards of this policy and that such transfer is not prohibited by ICANN or Registry policies. Accordingly, registrars may only deny a transfer request in the eight (8) specific instances listed in Section 3 IRTP.

As detailed below, although Xin Net stated its modified transfer process is to prevent domain hijacking, requiring an RNH to expressly confirm its intent before allowing a transfer to proceed is a violation of the IRTP. Xin Net's transfer process must comply with the IRTP. Xin Net's failure to transfer the domain name <jikebus.com> or provide a valid reason for denial of transfer is a breach of the IRTP.

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 require registrars to maintain registration data and records relating to its dealings with RNHs, and to make those records available to ICANN upon reasonable notice. Xin Net denied having any written communications with the RNH regarding the transfer, however later provided copies of some of the communications. Xin Net's failure to provide copies of any communications informing the RNH about the reason for denial upon rejecting the transfer request is a breach of sections 3.4.2 and 3.4.3.

Chronology:

Date of Notice	Deadline for Response	Details
26-Apr-2014	2-May-14	ICANN sent 1st compliance notice via email to transfer@xinnet.com
28-Apr-2014	N/A	Email from Registrar indicating that the RNH never contacted the Registrar to request transfer prior to submitting a complaint to ICANN.

Date of Notice	Deadline for Response	Details
4-May-2014	N/A	In response to ICANN inquiry, email from RNH with documents demonstrating that RNH attempted to transfer the domain name <jikebus.com> to another registrar.
4-May-2014	N/A	Email from Registrar explaining that the transfer could be requested via control panel. Registrar provided copy of email sent to RNH explaining this process.
7-May-2014	12-May-2014	ICANN sent follow up notice via email to transfer@xinnet.com advising Registrar that the RNH informed ICANN that the transfer could not be completed via control panel and requested an update on this matter.
14-May-2014	N/A	Email from Registrar (hepeng@xinnet.com) to ICANN staff explaining a new process to prevent unauthorized transfers. Registrar also indicated that they are auditing the transfer request of the domain name <jikebus.com> and are actively attempting to contact RNH regarding the transfer request.
23-May-2014	2-Jun-2014	ICANN sent 2nd compliance notice via email to transfer@xinnet.com . No response received from Registrar.
3-Jun-2014	N/A	ICANN called Primary Contact (in Chinese) at +86 10 8712 8016. Primary Contact advised ICANN that he was at a conference and would respond after the ticket information was provided.
4-Jun-2014	N/A	ICANN resent the 2nd compliance notice via email to hepeng@xinnet.com . No response received from Registrar.
6-Jun-2014	N/A	In response to email previously sent to ICANN staff, ICANN sent a follow-up notice in English and Chinese via email to hepeng@xinnet.com , advising Registrar that its new transfer process cannot contradict the RAA or Consensus Policies. ICANN explained that Registrar may only deny a transfer request for the reasons listed in Section 3 IRTP.
10-Jun-2014	N/A	ICANN called Primary Contact (in Chinese) at + 86 186 0111 9862. Primary Contact advised ICANN that he would handle the issue and respond.



Date of Notice	Deadline for Response	Details
10-Jun-2014	17-Jun-2014	ICANN sent 3rd compliance notice via email to transfer@xinnet.com and admin1@xinnet.com . No response received from Registrar.
10-Jun-2014	N/A	The 3rd compliance notice was faxed to +86 10 8712 7010. Fax unsuccessful.
17-Jun-2014	N/A	ICANN reviewed the Whois data for <jikebus.com> and found that it had entered into RGP. The 3rd compliance notice was faxed to +86 10 8712 7010. Fax successful.
18-Jun-2014	N/A	ICANN called Primary Contact (in Chinese) at +86 186 0111 9862. Primary Contact requested ticket ID and stated that he would respond to immediately after his meeting.
19-Jun-2014	N/A	Email from Registrar (hepeng@xinnet.com) advising ICANN that per its new transfer process, the RNH did not expressly confirm its intent to transfer the domain name to Registrar and the transfer was therefore rejected on 8-May-2014.
23-Jun-2014	N/A	Email from Registrar (transfer@xinnet.com) advising ICANN that the RNH can request the transfer by control panel. Email from Registrar (hepeng@xinnet.com) reiterating that, per its new transfer process, the RNH did not expressly confirm its intent to transfer the domain name to the registrar of record and the transfer was therefore rejected on 8-May-14.
23-Jun-2014	N/A	ICANN called Primary Contact (in Chinese) at +86 10 8712 8016. ICANN informed registrar that the new transfer process violated the IRTP. Registrar indicated that it would implement its new process anyway to prevent hijacking.
8-Jul-2014	N/A	The domain name remains in RGP and the transfer complaint remains unresolved.