



The Internet Corporation for Assigned Names and Numbers

1 October 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Adam Matuzich
Homestead Limited dba Namevault.com (IANA #1428)
371 Front Street West, Suite 310
Toronto ON M5V 3S8
Canada

Email: adam.matuzich@namevault.com
Fax: +1 800 882 9010

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Matuzich,

Please be advised that as of 1 October 2014, Homestead Limited dba Namevault.com (“Namevault”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 8 August 2013 (“RAA”). These breaches result from:

1. Namevault’s failure to take reasonable and prompt steps to investigate and respond appropriately to reports of abuse, and to maintain and provide records to ICANN that are related to such reports, as required by Section 3.18 of the RAA; and
2. Namevault’s failure to maintain and make available registration data and records available upon request by ICANN, as required by Sections 3.4.2 and 3.4.3 of the RAA;

Please refer to the attachment for details regarding these breaches.

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

1. Failure to provide a policy consistent with the requirements of Section 2.1 of the Expired Registration Recovery Policy (“ERRP”) to send expiration reminder notices approximately one month and one week prior to expiration and within 5 days after expiration;

Los Angeles Offices: 12025 Waterfront Drive, Suite 300 • Brussels • Los Angeles, CA 90094 • Istanbul • USA • Montevideo • T +1 310 301 5800 • Singapore • F +1 310 823-8649 • Washington

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2. Failure to maintain accurate and current contact information as specified in the Registrar Information Specification (“RIS”), pursuant to Section 3.17 of the RAA; and
3. Failure to timely pay past due accreditation fees in the amount of \$4,387.86, as required by Section 3.9 of the RAA.

Additional Considerations

ICANN notes that during the complaint process: a) Namevault routinely does not respond to ICANN inquiries, or if Namevault responds, it is not until the final deadline of the final notice; b) ICANN staff is not able to contact Namevault via telephone during business hours in the United States and Canada; and c) ICANN staff is unable to leave voice messages for Namevault. Furthermore, Namevault did not respond to repeated emails from the reporter for the abuse complaint.

ICANN requests that Namevault cure these breaches by 22 October 2014, 21 days from the date of this letter, by taking the following actions:

1. Provide information and records demonstrating that Namevault took reasonable and prompt steps to investigate and respond appropriately to the report of abuse associated with the Abuse compliance notices in the chronology below. This includes copies of Namevault’s correspondence with the abuse reporter and with the Registered Name Holder(s) (“RNHs”) of the domain names in the abuse report while investigating the report of abuse (including dates, times, means of inquiries and telephone numbers, e-mail addresses, and postal addresses used) and the steps your registrar took to address the abuse report;
2. Provide Namevault’s findings regarding the compliance notices for the domain name <mindinspired.com> and supporting documentation, including copies of all written communications between Namevault and the RNH;
3. Provide ICANN with a remediation plan, including dates and milestones, to ensure Namevault will send expiration reminder notices to the RNHs of domain names that it sponsors at the intervals required by the ERRP;
4. Provide ICANN with corrective and preventative action(s), including implementation dates and milestones, to ensure that Namevault will timely respond to ICANN, RNH, and public inquiries;
5. Provide ICANN with accurate and current contact information as required by Section 3.17 of the RAA; and



6. Pay past due accreditation fees in the amount of \$4,387.86.

If Namevault fails to timely cure the breaches and provide the information requested by 22 October 2014, ICANN may commence the RAA termination process.

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 horizontal line.

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



ATTACHMENT

Failure to take reasonable and prompt steps to investigate and respond to reports of abuse

Section 3.18.1 of the RAA requires registrars to take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse. Section 3.18.3 of the RAA requires registrars to (a) document receipt and response for all abuse reports, (b) maintain the records related to abuse reports, and (c) provide such records to ICANN upon reasonable notice. Namevault's failure to respond to the abuse report, and to provide ICANN with records demonstrating investigation and response to the abuse report, is a breach of Section 3.18 of the RAA.

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. Namevault's failure to provide the requested registration records and data related to the compliance notices detailed in the chronologies below is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

Failure to send expiration reminder notices at required intervals

Section 2.1 of the ERRP requires registrars to notify the RNH of the expiration of a domain name at specific intervals. Pre-expiration reminder notices must be sent approximately one month prior to expiration and approximately one week prior to expiration. If a registration is not renewed by the RNH or deleted by the registrar, registrars must also send a post-expiration reminder notice within five days after expiration of the registration. Namevault's website posts a policy that does not comply with Section 2.1 of the ERRP and the failure to send expiration reminder notices at the required intervals is a breach of Section 2.1 of the ERRP.

Failure to provide and maintain required contact information

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. Namevault's failure to maintain and provide to ICANN a primary contact telephone number where Namevault can be reached for contractual purposes is a breach of Section 3.17 of the RAA.



Failure to pay accreditation fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Namevault owes ICANN \$4,387.86 in past due accreditation fees, in breach of Section 3.9 of the RAA.

Chronology: Ticket ID: CPJ-405-12835 (Abuse)

Date of Notice	Deadline for Response	Details
28-Aug-2014	8-Sep-2014	ICANN sent 1st compliance notice via email to adam.matuzich@namevault.com . No response received from Registrar.
9-Sep-2014	16-Sep-2014	ICANN sent 2nd compliance notice via email to adam.matuzich@namevault.com . No response received from Registrar.
10-Sep-2014	N/A	ICANN called Primary Contact at +1 800 882 9010 x300. Number was disconnected. ICANN spoke with Primary Contact on mobile at [MOBILE REDACTED] and provided complaint details. Primary Contact acknowledged receipt and indicated the Registrar would respond.
17-Sep-2014	24-Sep-2014	ICANN sent 3rd compliance notice via email to adam.matuzich@namevault.com . No response received from Registrar.
17-Sep-2014	N/A	ICANN sent 3rd compliance notice via fax to +1 800 882 9010. Fax unsuccessful.
19-Sep-2014	N/A	ICANN called Primary Contact at +1 800 882 9010 x300. Number was disconnected. ICANN called Primary Contact on mobile at [MOBILE REDACTED] No answer and no ability to leave message (mailbox full).
24-Sep-2014	N/A	ICANN called Primary Contact at +1 800 882 9010 x300. Number was disconnected. ICANN left a detailed message for Primary Contact on mobile at [MOBILE REDACTED] with complaint details and ICANN staff direct dial for any questions.



Date of Notice	Deadline for Response	Details
26-Sep-2014	N/A	ICANN conducted compliance check to determine other areas of noncompliance
1-Oct-2014	N/A	To date, no response received from Registrar and the issue remains unresolved.

Chronology: OJB-395-63212 (Unauthorized Transfer)

Date of Notice	Deadline for Response	Details
28-Aug-2014	8-Sep-2014	ICANN sent 1st compliance notice via email to icanncontact@namevault.com .
28-Aug-2014	N/A	Email from Registrar (adam.matuzich@namevault.com) insufficient to demonstrate compliance.
10-Sep-2014	17-Sep-2014	ICANN sent 2nd compliance notice via email to icanncontact@namevault.com and melanie.veenbaas@namevault.com . No response received from Registrar.
10-Sep-2014	N/A	ICANN called Primary Contact at +1 800 882 9010 x300. Number was disconnected. ICANN spoke with Primary Contact on mobile at [MOBILE REDACTED] and provided complaint details. Primary Contact acknowledged receipt and indicated the Registrar would respond.
19-Sep-2014	26-Sep-2014	ICANN sent 3rd compliance notice via email to icanncontact@namevault.com , melanie.veenbaas@namevault.com and adam.matuzich@namevault.com . No response received from Registrar.
19-Sep-2014	N/A	ICANN sent 3rd compliance notice via fax to +1 800 882 9010. Fax unsuccessful.



Date of Notice	Deadline for Response	Details
19-Sep-2014	N/A	ICANN called Primary Contact at +1 800 882 9010 x300. Number was disconnected. ICANN called Primary Contact on mobile at [MOBILE REDACTED]. No answer and no ability to leave message (mailbox full).
24-Sep-2014	N/A	ICANN called Primary Contact at +1 800 882 9010 x300. Number was disconnected. ICANN left a detailed message for Primary Contact on mobile at [MOBILE REDACTED] with complaint details and ICANN staff direct dial for any questions.
26-Sep-2014	N/A	ICANN conducted compliance check to determine other areas of noncompliance
1-Oct-2014	N/A	To date, no response received from Registrar and the issue remains unresolved.