



26 April 2018

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Remi Loiseau
OVH sas (IANA #433)
OVH Domain Name Department 2 rue Kellermann
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France

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Dear Remi Loiseau,

Please be advised that as of 26 April 2018, OVH sas ("OVH") is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 22 March 2014 ("RAA"). This breach results from:

1. OVH's failure to take reasonable steps to investigate and correct claimed Whois inaccuracies regarding the domain name <point-colis.com>, as required by Section 3.7.8 of the RAA;
2. OVH's failure to maintain and make available to ICANN registration data and records relating to dealings with the Registered Name Holder ("RNH") of the domain name <point-colis.com>, as required by Sections 3.4.2 and 3.4.3 of the RAA; and
3. OVH's failure to validate and verify Whois contact information, as required by Sections 1, 2 and 4 of the Whois Accuracy Program Specification ("WAPS") of the RAA.

Please refer to the attachment for details regarding these breaches.

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

1. OVH's failure to escrow gTLD registration data, as required by Section 3.6 of the RAA;
2. OVH's failure to publish the full name and position of all officers of the registrar on OVH's website, as required by Section 3.17 of the RAA and Section 17 of the Registrar Information Specification ("RIS") of the RAA;
3. OVH's failure to publish an email address to receive abuse reports on the home page of OVH's website, as required by Section 3.18.1 of the RAA;

4. OVH's failure to publish on its website a description of OVH's procedures for the receipt, handling and tracking of abuse reports, as required by Section 3.18.3 of the RAA; and
5. OVH's failure to provide on OVH's website, a description of the methods used to deliver post-expiration notifications, as required by Section 4.2 of the Expired Registration Recovery Policy ("ERRP").

Additional Concerns

OVH has previously remediated certain failures of the above-referenced obligations, as well as its prior pattern of non-response to ICANN Contractual Compliance matters.

ICANN requests that OVH cure these breaches by 17 May 2018, 21 days from the date of this letter, by taking the following actions:

1. Provide records demonstrating that OVH took reasonable steps to investigate and, where applicable, correct the Whois inaccuracy concerning the domain name <point-colis.com>. This includes: (a) copies of OVH's correspondence with the RNH while investigating the Whois inaccuracy claims (including dates, times, means of inquiries, telephone numbers, e-mail addresses and postal addresses used), (b) the steps OVH took to verify and validate the Whois information and (c) confirmation steps taken to resolve this matter will also apply to all existing and future Whois inaccuracy complaints;
2. Deposit gTLD registration data on a daily basis to an approved escrow agent and ensure that the deposits meet the required specifications;
3. Publish on OVH's website the full name and position of all officers of OVH, as specified in the RIS, or, update OVH's RIS form to reflect the officer names and positions published on OVH's website;
4. Publish an email address to receive abuse reports on the home page of OVH's website;
5. Publish a description of OVH's procedures for the receipt, handling and tracking of abuse reports on OVH's website;
6. Provide a description of the methods used to deliver post-expiration notifications on OVH's website; and
7. Provide ICANN with the corrective and preventative action(s) that OVH will take, with implementation date(s), to ensure:
 - a. timely and complete response to ICANN Contractual Compliance matters; and
 - b. OVH will remain in compliance for previously remediated areas of noncompliance.

If OVH fails to timely cure the breaches and provide the information requested by 17 May 2018, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Jennifer Scott at jennifer.scott@icann.org.

Sincerely,



Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to take reasonable steps to investigate and correct Whois inaccuracy

Section 3.7.8 of the RAA requires registrars, upon notification of a claimed inaccuracy in the contact information associated with a registered name sponsored by a registrar, to take reasonable steps to investigate the claimed inaccuracy. In the event the registrar learns of inaccurate contact information associated with a registered name it sponsors, the registrar shall take reasonable steps to correct that inaccuracy. OVH's failure to provide documentation demonstrating the reasonable steps it took to investigate and correct the alleged Whois inaccuracy is a breach of Section 3.7.8 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. OVH's failure to provide the requested registration records and data related to the domain name <point-colis.com> is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

Failure to validate and verify Whois data

Section 1 of the WAPS of the RAA requires registrars to validate that required fields, including telephone numbers, postal addresses and email addresses, are in a standard format or template, as well as verify the email address of the registrant by receiving an affirmative response from the registrant.

Section 2 of the WAPS of the RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar receives changes to any Whois contact information, whether the contact information was previously verified or validated. The registrar is required to (1) receive an affirmative response from the registrant, (2) manually verify the information or (3) suspend the domain name.

Section 4 of the WAPS of the RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar has any information suggesting that the contact information specified in the Whois is incorrect. The registrar must also (1) verify (or re-verify) the registrant's email address by receiving an affirmative response, (2) manually verify the information or (3) suspend the domain name.

OVH's failure to provide documents and information demonstrating validation and verification of the Whois data for the domain name <point-colis.com> is a breach of the WAPS of the RAA.

Failure to escrow gTLD registration data

Section 3.6 of the RAA requires registrars to submit an electronic copy of the data described in Sections 3.4.1.2 through 3.4.1.5 of the RAA to ICANN, or at the registrar's expense, to a

reputable escrow agent mutually approved by the registrar and ICANN. Registrars shall submit the data on a schedule, under the terms, and in a format specified by ICANN. OVH's failure to deposit gTLD registration data with an approved escrow agent under the required schedule and terms is a breach of Section 3.6 of the RAA.

Failure to publish the full name and position of all officers on registrar's website

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. In addition, registrars must publish on each website through which it provides or offers registrar services, the information specified in the RIS as requiring publication. OVH's failure to publish the full name and position of all of its officers, as specified in the RIS, on its website is a breach of Section 3.17 of the RAA and Section 17 of the RIS.

Failure to publish an email address to receive reports of abuse

Section 3.18.1 of the RAA requires registrars to publish on the home page of their website an email address to receive abuse reports. OVH's failure to publish an email address on the home page of its website to receive abuse reports is a breach of Section 3.18.1 of the RAA.

Failure to publish a description of procedures for receipt, handling and tracking of abuse reports

Section 3.18.3 of the RAA requires registrars to publish on their website a description of their procedures for the receipt, handling and tracking of abuse reports. OVH's failure to publish a description of its procedures for the receipt, handling and tracking of abuse reports on its website is a breach of Section 3.18.3 of the RAA.

Failure to describe the methods used to deliver pre- and post-expiration notifications

Section 4.2 of the ERRP requires registrars to describe on their websites (if used) and include in their registration agreements a description of its notification methods or a link to the applicable page(s) on their websites where this information is available, the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. OVH's failure to fully describe these notifications on its website is a breach of Section 4.2 of the ERRP.

Chronology:

Date of Notice	Deadline for Response	Details
5-Mar-2018	26-Mar-2018	ICANN sent 1st compliance notice via email to icann-whois@ovh.net .
12-Mar-2018	N/A	Email received from Registrar (icann-ticket+TMCZQRHXWN.c004d@abuse.ovh.net) insufficient to demonstrate compliance.
27-Mar-2018	3-Apr-2018	ICANN sent 2nd compliance notice via email to icann-whois@ovh.net .

Date of Notice	Deadline for Response	Details
28-Mar-2018	N/A	Email received from Registrar (icann-ticket+TMCZQRHXWN.c004d@abuse.ovh.net) insufficient to demonstrate response.
28-Mar-2018	3-Apr-2018	ICANN sent follow-up compliance notice via email to icann-whois@ovh.net .
30-Mar-2018	N/A	Email received from Registrar (icann-ticket+TMCZQRHXWN.c004d@abuse.ovh.net) insufficient to demonstrate compliance.
2-Apr-2018	9-Apr-2018	ICANN sent a follow-up notice via email to icann-whois@ovh.net . No response received from Registrar.
5-Apr-2018	N/A	ICANN called Primary Contact at +33 974 530 977 and provided complaint details.
11-Apr-2018	18-Apr-2018	ICANN sent 3rd compliance notice via email to icann-whois@ovh.net and icann@ovh.net . No response received from Registrar.
11-Apr-2018	N/A	ICANN sent 3rd compliance notice via fax to +33 979 940 023. Fax successful.
18-Apr-2018	N/A	ICANN called Primary Contact at +33 974 530 977. No answer and no ability to leave a voicemail. ICANN called Primary Contact at mobile number [NUMBER REDACTED]. ICANN left voicemail with complaint details.
25-Apr-2018	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
26-Apr-2018	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.