



The Internet Corporation for Assigned Names and Numbers

23 June 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Svetlana Ivanova
DomReg Ltd. d/b/a LIBRIS.COM (IANA # 381)
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Russian Federation

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Fax Number: +7 812 968 0281

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Ms. Ivanova,

Please be advised that as of 23 June 2014, DomReg Ltd. d/b/a LIBRIS.COM (“DomReg”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 19 November 2011 (“RAA”). This breach results from:

1. Failure to allow the Registered Name Holder (“RNH”) of <promat.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. Failure to provide the RNH of <promat.com> with a copy of the mandatory Standardized Form of Authorization (“FOA”) no later than 24 hours after receiving the transfer request from the Registry Operator.

Please refer to the attachment for details regarding this breach.

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

- Requiring RNHs to enter into a registration agreement that does not comply with the RAA and ICANN Consensus Policies.

Additional Considerations

Although DomReg cured the specific items detailed in ICANN's Notice of Breach dated 30 April 2014, the RNH still is not able to transfer the domain name to another registrar. The transfer complaint for <promat.com> was filed the day after ICANN closed a UDRP complaint (filed for failure to implement a UDRP decision). DomReg resolved the UDRP complaint by changing the Whois data to the prevailing party, but did not allow the RNH to transfer <promat.com> to another registrar. Furthermore, during the processing of the UDRP and transfer complaints, DomReg provided ICANN with conflicting and misleading responses and information to ICANN.

ICANN further notes that during a review of DomReg's registration agreement for compliance with the RAA and ICANN Consensus Policies, additional concerns were identified. This includes conflicts between sections, references to non-existent section numbers and extremely burdensome requirements.

ICANN requests that DomReg cure the breaches by 15 July 2014, 15 working days from the date of this letter, by taking the following actions:

1. Allow the RNH of <promat.com> to transfer its domain name registration to another registrar pursuant to the IRTP;
2. Provide ICANN with corrective and preventative action(s) to address the cause of the failure to send the required FOA, including implementation dates; and
3. Modify DomReg's registration agreement to comply with the RAA and ICANN Consensus Policies.

If DomReg fails to timely cure these breaches and provide the information requested by 15 July 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 in a cursive style.

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



ATTACHMENT

Failure to allow RNH to transfer domain name to another registrar

Section 1 of the IRTP provides 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 the IRTP and that such transfer is not prohibited by ICANN or Registry policies. Registrars can only deny a transfer request for the eight reasons listed in Section 3 of the IRTP.

During the cure period for ICANN's 30 April 2014 Notice of Breach, DomReg denied the transfer of <promat.com> to another registrar because it claimed there was a reasonable dispute over the identity of the RNH or Administrative Contact. DomReg requested that the RNH enter into a registration agreement with DomReg, provide evidence of the RNH's corporate status, and provide a power of attorney for RNH's legal counsel. As detailed below, DomReg received documentation demonstrating the valid corporate status of the RNH and that the RNH's legal counsel was acting on behalf of the RNH. DomReg is in breach of the IRTP because lack of a registration agreement is not a valid reason under the IRTP to deny a transfer.

Failure to send FOA

Section 3 of the IRTP states that the FOA should be sent by the Registrar of Record to the RNH as soon as operationally possible, but must be sent not later than 24 hours after receiving the transfer request from the Registry Operator. On 28 May 2014, DomReg stated that no FOA was sent to the RNH of <promat.com> in breach of the IRTP.

Registration agreement that violates the RAA and ICANN Consensus Policies

DomReg uses the registration agreement at https://libris.com/terms_of_use.html. A detailed review by ICANN of the registration agreement indicated that it is not compliant with the RAA, the IRTP, and the Expired Registration Recovery Policy ("ERRP").

Chronology:

Date of Notice	Deadline for Response	Details
27-Mar-2014	3-Apr-2014	ICANN sent 1st compliance notice via email to domreg@registrar.libris.com .

Date of Notice	Deadline for Response	Details
3-Apr-2014	N/A	Email from Registrar refusing to provide the AuthInfo code to the RNH.
7-Apr-2014	14-Apr-2014	ICANN sent 2nd compliance notice via email to domreg@registrar.libris.com .
11-Apr-2014	N/A	ICANN called Primary Contact twice at +7 812 914 0281. No answer.
14-Apr-2014	N/A	Email from Registrar refusing to provide the AuthInfo code to the RNH.
15-Apr-2014	22-Apr-2014	ICANN sent 3rd compliance notice via email to domreg@registrar.libris.com .
15-Apr-2014	N/A	The 3rd notice was faxed to +7 812 968 0281. Fax was unsuccessful. Second attempt was unsuccessful.
18-Apr-2014	N/A	ICANN called Primary Contact twice at +7 812 914 0281. Message indicated that the mobile phone was turned off or outside the coverage area.
22-Apr-2014	N/A	Email from Registrar indicating that the domain name was unlocked and that the AuthInfo code is being issued to the registrant. Registrar did not provide the communication to ICANN in which the AuthInfo code was sent to the registrant, as requested.
24-Apr-2014	N/A	ICANN conducted check to determine other areas of noncompliance.
28-Apr-2014	N/A	ICANN received email from legal counsel for RNH indicating AuthInfo code not provided by Registrar.
30-Apr-2014	21-May-2014	ICANN sent notice of breach to Registrar.

Date of Notice	Deadline for Response	Details
5-May-2014	N/A	Registrar replied to the Notice of Breach with a copy of the written communications in which the AuthInfo code was sent to the RNH and informing that the outstanding accreditation fees were paid. ICANN acknowledged receipt of Registrar's response via email to domreg@registrar.libris.com and indicated that ICANN would follow up soon.
7-May-14	N/A	ICANN received an email from legal counsel for RNH confirming receipt of the AuthInfo code, but informing that Registrar did not send the FOA and did not allow the transfer to proceed.
7-May-14	N/A	ICANN received an email and voicemail from Registrar requesting a conference call to discuss the breach. ICANN sent a follow-up communication via email to domreg@registrar.libris.com requesting a copy of the mandatory FOA sent to the RNH.
10-May-14	N/A	ICANN received an email from the gaining registrar with a copy of an email from DomReg denying the transfer. DomReg denied the transfer because of a reasonable dispute over the identity of the RNH or Administrative Contact and requested that the RNH enter into a registration agreement with DomReg, provide evidence of corporate status and power of attorney for RNH's legal counsel. DomReg stated the domain name was in unpaid status. However, no details were provided regarding which services were unpaid, what time period(s) were unpaid, the unpaid amount, or payment methods.
15 May 14	N/A	ICANN received an email from Registrar requesting that all breaches were considered cured. ICANN acknowledged receipt of registrar's response via email to domreg@registrar.libris.com and indicated that ICANN would follow up soon.
20 May 14	N/A	ICANN received a communication from Registrar requesting that all breaches were considered cured. ICANN received a voicemail and an email from Registrar's legal counsel requesting a conference call. ICANN acknowledged receipt of registrar's response via email to

Date of Notice	Deadline for Response	Details
		<p>domreg@registrar.libris.com and Registrar's legal counsel informing that the documents were under review.</p>
21-May-14	28-May-14	<p>ICANN sent a follow-up communication via email to domreg@registrar.libris.com (and a copy to Registrar's legal counsel) requesting a copy of the mandatory FOA sent to the RNH, and clarification regarding conflicts between the Russian and English versions of the Registrar's registration agreement.</p>
27 May 14	N/A	<p>ICANN received a communication from the RNH's legal counsel with a copy of an email from the Registrar stating that the domain name had been placed in 'ClientHold' for non-payment. No further details or invoices were provided by Registrar. RNH's legal counsel also included communications demonstrating that Registrar was informed in September 2013 that the legal counsel was acting on behalf of the RNH, and legal counsel also expressed concern due to significant discrepancies between the Russian and English versions of Registrar's registration agreement.</p>
28-May-14	N/A	<p>ICANN received an email from Registrar stating that no FOA was sent and that the discrepancies between the Russian and English versions of the registration agreement were resolved. ICANN acknowledged receipt of Registrar's response via email to domreg@registrar.libris.com (and a copy to Registrar's legal counsel).</p>
2-Jun-14	N/A	<p>ICANN received an email from RNH's legal counsel, with a copy of the amended registration agreement, and emails demonstrating that on 27 May 2014 the Registrar was sent an email with German/Russian notarized excerpt from Trade Registry showing Promat GmbH was in good standing.</p>
June 2014	N/A	<p>ICANN conducted detailed review of Registrar's registration agreement to determine compliance with the RAA and ICANN Consensus Policies.</p>



Date of Notice	Deadline for Response	Details
23-Jun-14	N/A	To date, Registrar has not allowed the transfer to proceed.