



The Internet Corporation for Assigned Names and Numbers

24 February 2015

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Vanessa Koh  
Identify.com Web Services LLC (IANA #1156)  
427 N Tatnall Street, #20547  
Wilmington DE 19801-2230  
United States

Email: [registrar@identify.com](mailto:registrar@identify.com)  
Fax: +1 408 773 6236

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

Dear Ms. Koh,

Please be advised that as of 24 February 2015, Identify.com Web Services LLC (“Identify.com”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 5 May 2011 (“RAA”). This breach results from:

1. Identify.com’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 <pat.school.com>, as required by Sections 3.4.2 and 3.4.3 of the RAA.

Please refer to the attachment for details regarding this breach.

In addition, Identify.com has been deemed noncompliant in the following areas:

1. Failure to provide an interactive webpage and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by Identify.com for each top-level domain (“TLD”) in which it is accredited, pursuant to Section 3.3.1 of the RAA; and

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2. Failure to timely pay past due accreditation fees in the amount of \$1,307.40, as required by Section 3.9 of the RAA.

#### Additional Concerns

During the processing of this complaint, ICANN received information suggesting that Identify.com may no longer be operational.

ICANN requests that Identify.com cure these breaches by 17 March 2015, 15 business days from the date of this letter, by taking the following actions:

1. Provide all registration data and records relating to dealings with the RNH of the domain name <pat.school.com>, including but not limited to: all time-stamped renewal notices, evidence of an electronic or paper agreement entered into between Identify.com and the RNH and copies of all written communication between Identify.com and the RNH;
2. Provide ICANN with a remediation plan, including dates and milestones, to ensure Identify.com will send expiration reminder notices to the RNHs of domain names that it sponsors at the intervals required by the Expired Registration Recovery Policy ("ERRP");
3. Provide an interactive webpage and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by Identify.com for each TLD in which it is accredited;
4. Provide ICANN with documentation that Identify.com is in good standing in its jurisdiction of incorporation and is not bankrupt or insolvent; and
5. Pay all past and currently due accreditation fees of \$1,608.03.

If Identify.com fails to timely cure the breaches and provide the information requested by 17 March 2015, ICANN may commence the RAA termination process.



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". The signature is fluid and cursive, written in a professional style.

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



## ATTACHMENT

### 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. Identify.com's failure to provide the requested registration records and data related to the domain name <pat.school.com> is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

### Failure to provide an interactive webpage and a port 43 Whois service

Section 3.3.1 of the RAA requires registrars to provide an interactive webpage and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by the registrar. Identify.com's failure to provide an interactive webpage and port 43 Whois service is a breach of Section 3.3.1 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. Identify.com owes ICANN \$1,307.40 in past due accreditation fees, in breach of Section 3.9 of the RAA. Identify.com additionally owes \$300.63 in currently due accreditation fees, due 1 March 2015.

### **Chronology:**

<b>Date of Notice</b>	<b>Deadline for Response</b>	<b>Details</b>
20-Jan-2015	27-Jan-2015	ICANN sent 1st compliance notice via email to <a href="mailto:registrar@identify.com">registrar@identify.com</a> . No response received from Registrar.
29-Jan-2015	5-Feb-2015	ICANN sent 2nd compliance notice via email to <a href="mailto:registrar@identify.com">registrar@identify.com</a> . No response received from Registrar.
2-Feb-2015	N/A	ICANN called Primary Contact at +1 800 750 0500. No answer and no ability to leave a message.



Date of Notice	Deadline for Response	Details
7-Feb-2015	13-Feb-2015	ICANN sent 3rd compliance notice via email to <a href="mailto:registrar@identify.com">registrar@identify.com</a> . No response received from Registrar.
6-Feb-2015	N/A	ICANN sent 3rd compliance notice sent via fax to +1 408 773 6236. Fax successful.
13-Feb-2015	N/A	ICANN called Primary Contact at + 1 800 750 0500. No response and no ability to leave a message. ICANN called Primary Contact mobile at [MOBILE REDACTED]. Call was answer by someone who advised ICANN that Registrar was no longer in business.
16-Feb-2015	N/A	ICANN conducted compliance check to determine other areas of noncompliance
24-Feb-2015	N/A	To date, no response received from Registrar and the issue remains unresolved.