



The Internet Corporation for Assigned Names and Numbers

22 January 2015

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

David Warmuz  
Above.com Pty Ltd. (IANA #940)  
8 East Concourse  
Beaumaris VIC 3193  
Australia

Email: [hostmaster@above.com](mailto:hostmaster@above.com)  
Fax: +613 9589 7951

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

Dear Mr. Warmuz,

Please be advised that as of 22 January 2015, Above.com Pty Ltd. ("Above.com") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 12 September 2013 ("RAA"). These breaches result from:

1. Above.com's failure to maintain and make available registration data and records upon request by ICANN, as required by Sections 3.4.2 and 3.4.3 of the RAA;
2. Above.com's failure to take reasonable and prompt steps to investigate and respond to reports of abuse, as required by Section 3.18.1 of the RAA; and
3. Above.com's failure to maintain and provide records to ICANN that are related to abuse reports, as required by Section 3.18.3 of the RAA.

Please refer to the attachment for details regarding these breaches.

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<http://icann.org>



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

1. Above.com's failure to publish the full name and position of all officers of the registrar on Above.com's website, as required by Section 3.17 and Section 17 of the Registrar Information Specification ("RIS") of the RAA; and
2. Above.com's failure to clearly display a link to ICANN's Registrant Educational Information webpage, as required by Section 3.16 of the RAA.

ICANN requests that Above.com cure the breaches by 12 February 2015, 21 calendar days from the date of this letter, by taking the following actions:

1. Provide information and records demonstrating that Above.com took reasonable and prompt steps to investigate and respond appropriately to the reports of abuse associated with the abuse compliance notices in the chronology below. This includes copies of Above.com'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, telephone numbers, e-mail addresses, and postal addresses used) and the steps your registrar took to address the abuse reports;
2. Provide ICANN with a remediation plan, including dates and milestones, to ensure that Above.com will take reasonable and prompt steps to investigate and respond appropriately to reports of abuse;
3. Publish on Above.com's website the full name and position of all officers of Above.com; and
4. Clearly display a link to ICANN's Registrant Educational Information webpage on Above.com's website.

If Above.com fails to timely cure the breaches by 12 February 2015, ICANN may commence the RAA termination process.



David Warmuz  
Above.com Pty Ltd.

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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", is written in a cursive 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. Above.com's failure to provide the requested registration records and data related to the compliance notices detailed in the chronology below is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

### Failure to take reasonable and prompt steps to investigate and respond to reports of abuse and to maintain and provide to ICANN records related to abuse reports

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 document its receipt of and response to all such reports, as well as maintain the records related to such reports for the shorter of two (2) years or the longest period permitted by applicable law, and during such period, provide such records to ICANN upon reasonable notice.

Above.com's failure to provide ICANN with evidence and records demonstrating investigation of and response to the abuse report is a breach of Section 3.18 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. Above.com's failure to publish the full name and position of all of its officers on its website is a breach of Section 3.17 of the RAA and the RIS.

### Failure to display a link to ICANN's Registrant Education Information Webpage

Section 3.16 of the RAA requires registrars to clearly display a link on its website to ICANN's Registrant Educational Information webpage. Above.com's failure to provide a link to ICANN's Registrant Educational Information webpage on its website is a breach of Section 3.16 of the RAA.

**Chronology:**

Date of Notice	Deadline for Response	Details
5-Dec-2014	12-Dec-2014	ICANN sent 1st compliance notice via email to <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> . No response received from Registrar.
15-Dec-2014	22-Dec-2014	ICANN sent 2nd compliance notice via email to <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> . No response received from Registrar.
19-Dec-2014	N/A	ICANN called Primary Contact at +613 9589 7946. ICANN provided Registrar representative with complaint details. Registrar acknowledged receipt and indicated a response would be sent.
24-Dec-2014	6-Jan-2015	ICANN sent 3rd compliance notice via email to <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> .
24-Dec-2014	N/A	ICANN sent 3rd compliance notice via fax to +613 9589 7951. Fax successful.
28-Dec-2014	N/A	Email from Registrar ( <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> ) insufficient to demonstrate compliance.
31-Dec-2014	N/A	Email from Registrar ( <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> ) insufficient to demonstrate compliance.
5-Jan-2015	6-Jan-2015	ICANN sent follow-up notice via email to <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> .
6-Jan-2015	N/A	ICANN spoke to Primary Contact at +613 9589 7946. Registrar indicated a response would be sent the same day.
6-Jan-2015	N/A	Email from Registrar ( <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> ) insufficient to demonstrate compliance.



Date of Notice	Deadline for Response	Details
6-Jan-2015	13-Jan-2015	ICANN sent follow-up notice via email to <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> .
8-Jan-2015	N/A	Email from Registrar ( <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> ) insufficient to demonstrate compliance.
8-Jan-2015	13-Jan-2015	ICANN sent follow-up notice via email to <a href="mailto:hostmaster@above.com">hostmaster@above.com</a> . No response received from Registrar.
14-Jan-2015	N/A	ICANN conducted compliance check to determine other areas of noncompliance
22-Jan-2015	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation.