

8 April 2021

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRY AGREEMENT

[REDACTED]

Joint Stock Company "Navigation-information systems" (gdn)

[REDACTED]

Email: [REDACTED]

Fax: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 8 April 2021, Joint Stock Company "Navigation-information systems" ("Navigation-information systems") is in breach of its Registry Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 31 July 2014 ("RA"). This breach results from:

1. Navigation-information systems' failure to comply with the Registry Performance Specifications for operation of the top-level domain ("TLD") as required by Section 2.16 of the RA, and as set forth in Specification 10 of the RA. Specifically, Navigation-information systems' Registration Data Directory Service ("RDDS") exhibited intermittent downtime between 28 March 2021 23:20 UTC and 2 April 2021 01:00 UTC, which ultimately resulted in exceeding the Emergency Threshold under Section 6 of Specification 10 on 31 March 2021 and the Monthly Service Level Requirements ("SLR") under Section 2 of Specification 10 on 30 March 2021 and 2 April 2021.

Please refer to the attachment for details regarding this breach.

In addition, Navigation-information systems has been deemed noncompliant in the following area:

1. Navigation-information systems' failure to provide domain name data in the specified response format, as required by Section 2.5 of the RA and Section 1 of Specification 4 of the RA, the Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement (RAA) regarding applicable Registration Data Directory Service (Whois) Specifications ("Clarifications"), the Additional Whois Information Policy ("AWIP") and the Registry Registration Data Directory Services Consistent Labeling & Display Policy ("CL&D Policy").

Additional Concerns

This is not the first incident ICANN has observed regarding Navigation-information systems' RDDS downtimes. On 15 April 2018 and 20 August 2019, Navigation-information systems received Escalated compliance notices due to RDDS downtimes and exceeded 100% of the Emergency Thresholds. The particular causes for each failure were remediated and, upon ICANN's request, Navigation-information systems confirmed it had implemented corrective and preventive measures to prevent these failures from reoccurring. Seven months after the last incident, another failure has taken place which could have resulted in the emergency transition of the TLD gdn to an emergency interim registry operator. Navigation-information systems continues to exhibit failures in the ability to comply with the Registry Performance Specifications as required by Section 2.16 of the RA, and as set forth in Specification 10 of the RA.

ICANN requests that Navigation-information systems' cure these breaches by 8 May 2021, 30 calendar days from the date of this letter, by taking the following actions:

1. Provide ICANN with corrective and preventive measures, including implementation dates and milestones beyond those presented in response to the previous incidents, to ensure that Navigation-information systems will consistently comply with the Registry Performance Specifications for operation of the TLD as required by Section 2.16 of the RA, and as set forth in Specification 10 of the RA; and
2. Display domain name data in the specified response format, as required by Section 2.5 of the RA and Section 1 of Specification 4 of the RA, the Clarifications, the AWIP and the CL&D Policy.

If Navigation-information systems fails to timely cure the breaches and provide the information requested by 8 May 2021 ICANN may commence the RA termination process.

If you have questions or require assistance, please contact Jonathan Denison at [EMAIL REDACTED].

Sincerely,

[SIGNATURE REDACTED]

Jamie Hedlund
Senior Vice President, Contractual Compliance and Consumer Safeguards
Managing Director, Washington, DC Office

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to comply with Registry Performance Specifications

Section 2.16 of the RA requires registry operators to comply with the Registry Performance Specifications set forth in Specification 10 of the RA. From 28 March 2021 23:20 UTC to 2 April 2021 01:00 UTC, Navigation-information systems' RDDS intermittently failed to respond to 51% or more of the RDDS testing probes. As a result, the downtime reached the Monthly SLR threshold under Section 2 of Specification 10 on 30 March 2021 22:55:00 UTC, and on 31 March 2021 19:10:00 UTC, the Emergency Threshold of 24-hour total downtime / week set forth by Section 6 of Specification 10 of the RA. Additionally, as the downtime continued through 2 April 2021 01:00 UTC, it exceeded the Monthly SLR under Section 2 of Specification 10 on 2 April 2021 00:30:00 UTC. The RDDS availability was restored on 2 April 2021 01:00 UTC. Ultimately, the total downtime period reached 172.9% of the Emergency Threshold.

Section 2.13 and Specification 10 of the RA states that failure to comply with the required RDDS obligations may result in the emergency transition of the TLD to an emergency interim registry operator of the registry for the TLD. This did not occur because the RDDS was restored. However, should Navigation-information systems' failure reoccur, it may be subject to the emergency transition of the TLD gdn to an emergency interim registry operator.

Failure to display required WHOIS format

Section 2.5 of the RA requires registry operators to provide public access to registration data in accordance with Specification 4 of the RA. Section 1 of Specification 4 of the RA requires registry operators to display domain name data in a specified format for WHOIS query responses. The format of WHOIS query responses shall contain the minimum elements, and follow a semi free text format, outlined in Section 1 of Specification 4 of the RA. Additional specifications to the format of WHOIS query responses are contained in the Clarifications, AWIP and CL&D Policy. Section 2.2 of the RA requires registry operators to comply with and implement all Consensus Policies, including the AWIP and CL&D Policy. Navigation-information systems' failure to display registration data in the specified format is a breach of Section 2.5 of the RA and Section 1 of Specification 4 of the RA, Section 2.2 of the RA, the Clarifications, the AWIP and CL&D Policy.

Chronology (Case # 01022264):

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|--|
| 31-Mar-2021 | N/A | ICANN sent Escalated compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], and [EMAIL REDACTED], as RDDS downtimes reached 100% of the Emergency Threshold. |
| 1-Apr-2021 | N/A | Communications from Registry Operator ([EMAIL REDACTED]) outside of the compliance case with questions concerning the failure. Question addressed by ICANN. |

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|--|
| 1-Apr-2021 | N/A | ICANN sent Escalated compliance notice via fax to [FAX REDACTED]. Fax unsuccessful. |
| 1-Apr-2021 | N/A | ICANN called Primary and Legal Contact at [TELEPHONE REDACTED] and left a detailed voicemail with case details. ICANN called Primary and Legal at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. |
| 1-Apr-2021 | N/A | Primary and Legal Contact returned ICANN's call and assured that issues were in the process of being resolved. |
| 2 Apr 2021 | N/A | After exceeding the Monthly SLRs and ultimately, 172.9% of the Emergency Threshold, RDDS is restored. |
| 4-Apr-2021 | N/A | ICANN conducted compliance check to determine other areas of noncompliance. |
| 8-Apr-2021 | N/A | The RDDS is currently operative but it failed during a prolonged period of time. |