



20 July 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

**RE: NOTICE OF BREACH OF REGISTRY AGREEMENT**

Morgan Mulay  
TelecityGroup International Limited (telecity)  
EQUINIX  
10th floor 6/7 Harbour Exchange Square  
London, E14 9GE  
GB

Email: [morgan.mulay@eu.equinix.com](mailto:morgan.mulay@eu.equinix.com)  
Fax: no fax number provided in GDD Portal

Dear Morgan Mulay,

Please be advised that as of 20 July 2017, TelecityGroup International Limited ("TelecityGroup") is in breach of its Registry Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 19 February 2015 ("RA"). These breaches result from:

1. TelecityGroup's failure to provide ICANN, within 20 days following the end of the calendar year, with the results of its internal review(s) along with a certification executed by one of its executive officers certifying that the top-level domain (TLD) meets the requirements of the definition of a .BRAND TLD, as required by Section 7 of Specification 13 of the RA;
2. TelecityGroup's failure to obtain ICANN's prior written approval for a change of control, as required by Section 7.5 of the RA and;
3. TelecityGroup's failure to provide third-party zone file access, as required by Section 2.1 of Specification 4 of the RA.

Please refer to the attachment for details regarding these breaches.

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

1. TelecityGroup's failure to provide a link on the primary website for the TLD telecity to a webpage designated by ICANN containing Whois policy and educational materials, as required by Section 1.11 of Specification 4 of the RA;
2. TelecityGroup's failure to publish on its website the DNSSEC Practice Statements ("DPS") describing critical security controls and procedures for key material storage,

access and usage for its own keys and secure acceptance of registrants' public-key material, as required by Section 1.3 of Specification 6 of the RA; and

3. TelecityGroup's failure to publish on its website its abuse contact details, including a valid email and mailing address and primary contact for handling inquiries related to malicious conduct in the TLD telecity, as required by Section 4.1 of Specification 6 of the RA; and
4. TelecityGroup's failure to timely pay past due fees, as required by Article 6 of the RA.

#### Additional Concerns

During the processing of the Annual Certification matter detailed below, ICANN learned that TelecityGroup's contact information was out of date with ICANN. However, despite repeated requests for the registry operator to update such information in the GDD Portal, it was not until recently that partial contact information updates were received. Additional contact information remains out of date with ICANN.

ICANN requests that TelecityGroup cure these breaches by 19 August 2017, 30 calendar days from the date of this letter, by taking the following actions:

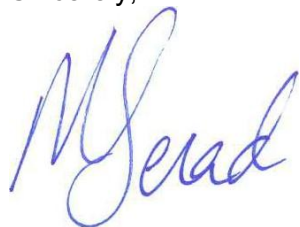
1. Submit to ICANN the results of TelecityGroup's internal review along with a certification executed by one of its executive officers certifying that the telecity TLD meets the requirements of the definition of a .BRAND TLD;
2. Provide ICANN with the information and documentation requested to complete the change of control review and approval process;
3. Process all pending requests for zone file access submitted in the Centralized Zone Data Service ("CZDS") for the telecity TLD; and if any request for zone file access is denied, provide the basis for denial from Section 2.1.1 (b) of Specification 4 of the RA and evidence supporting this basis;
4. Provide a link on the primary website for the TLD telecity to a webpage designated by ICANN containing Whois policy and educational materials;
5. Publish on TelecityGroup's website the DPS following the format described in RFC 6841;
6. Publish on TelecityGroup's website its accurate contact details including a valid email and mailing address, as well as a primary contact, for handling inquiries related to malicious conduct in the TLD telecity;
7. Provide the corrective and preventative action(s) that TelecityGroup will take, with implementation date(s), to:

- a. Address the cause and reoccurrence of the failure to comply with the requirements of the RA and applicable ICANN policies, including but not limited to those subject to this notice of breach;
  - b. Ensure timely responses to ICANN regarding requests for information necessary to demonstrate compliance with the RA and ICANN policies, including ICANN Contractual Compliance and GDD Operations matters; and
  - c. Ensure its registry operator contact information is up to date and future updates are timely communicated to ICANN; and
8. Pay all past due fees.

If TelecityGroup fails to timely cure the breaches and provide the information requested by 19 August 2017, ICANN may commence the RA termination process.

If you have questions or require assistance, please contact Jennifer Scott at [jennifer.scott@icann.org](mailto:jennifer.scott@icann.org).

Sincerely,



Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

## ATTACHMENT

### Failure to submit annual certification of compliance

Section 7 of Specification 13 of the RA requires registry operators that have executed a Specification 13 to provide ICANN, within 20 days following the end of the calendar year, with the results of its internal review(s) along with a certification executed by one of its executive officers certifying that the TLD meets the requirements of the definition of a .BRAND TLD. TelecityGroup's failure to submit to ICANN an Annual Certification of Compliance with Specification 13 for 2016 is a breach of Section 7 of Specification 13 of the RA.

### Failure to obtain ICANN's prior written approval for change of control

Section 7.5 of the RA requires registry operators to obtain ICANN's prior written approval before assigning any of its rights and obligations under the RA. For purposes of Section 7.5, a direct or indirect change of control of the registry operator or any subcontracting arrangement that relates to any Critical Function (as identified in Section 6 of Specification 10 of the RA) for the TLD (a "Material Subcontracting Arrangement") shall be deemed an assignment. TelecityGroup's failure to obtain ICANN's prior written approval for its change of control is a breach of Section 7.5 of the RA.

### Failure to provide third-party zone file access

Section 2.1.1 of Specification 4 of the RA requires registry operators to provide access to zone file data per Section 2.1.3 of Specification 4 to third-parties and do so using the file format described in Section 2.1.4 of Specification 4. The registry operator may reject the request for access of any CZDS user that does not provide correct or legitimate credentials under Section 2.1.2 or where it reasonably believes the user will violate the terms of Section 2.1.5 of the RA. The registry operator may revoke access of any user if it has evidence to support that the user has violated the terms of Section 2.1.5 of the RA. TelecityGroup's failure to provide third-party zone file access is a breach of Section 2.1 of Specification 4 of the RA.

### Failure to provide a link to Whois policy and educational materials on website

Section 1.11 of Specification 4 of the RA requires registry operators to provide a link on the primary website for the TLD (i.e., the website provided to ICANN for publishing on the ICANN website) to a webpage designated by ICANN containing Whois policy and educational materials. TelecityGroup's failure to provide a link on the primary website for the TLD telecity to a webpage designated by ICANN containing Whois policy and educational materials is a breach of Section 1.11 of Specification 4 of the RA.

### Failure to publish DNSSEC Practice Statement on website

Section 1.3 of Specification 6 of the RA requires registry operators to, among other things, publish on its website the DPS describing critical security controls and procedures for key material storage, access and usage for its own keys and secure acceptance of registrants'

public-key material following the format described in RFC 6841. TelecityGroup's failure to publish DPS on its website is a breach of Section 1.3 of Specification 6 of the RA.

Failure to publish abuse contact information on website

Section 4.1 of Specification 6 of the RA requires registry operators to provide to ICANN and publish on its website its accurate contact details including a valid email and mailing address, as well as a primary contact, for handling inquiries related to malicious conduct in the TLD, and provide ICANN with prompt notice of any changes to such contact details. TelecityGroup's failure to publish abuse contact details on its website for TLD telecity is a breach of Section 4.1 of Specification 6 of the RA.

Failure to pay fees

Article 6 of the RA requires registry operators to pay Registry-Level Fees on a quarterly basis within 30 calendar days following the date of the invoice provided by ICANN. TelecityGroup owes ICANN past due fees, in breach of Article 6 of the RA.

**Chronology (Annual Certification/Change of Control ZSF-306-52216):**

Date of Notice	Deadline for Response	Details
1-Mar-2017	8-Mar-2017	ICANN sent 1st compliance inquiry via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> . No response received from Registry Operator.
9-Mar-2017	16-Mar-2017	ICANN sent 2nd compliance inquiry via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> . No response received from Registry Operator.
15-Mar-2017	N/A	ICANN called Compliance Contact at +33153674747. ICANN left voicemail with complaint details.
20-Mar-2017	27-Mar-2017	ICANN sent 3rd compliance inquiry via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> . No response received from Registry Operator.
20-Mar-2017	N/A	ICANN sent 3rd compliance inquiry via fax to +33153674748. Fax successful.
22-Mar-2017	N/A	ICANN called Compliance Contact at +33153674747 and provided Registry Operator Representative with complaint details.
24-Mar-2017	N/A	ICANN Contractual Compliance is informed by the Registry Operator (via communications through ICANN Registry Services) that the Registry Operator implemented a change of control, its contact information with ICANN is out of date and it wishes to voluntarily terminate telecity's registry agreement with ICANN.

Date of Notice	Deadline for Response	Details
24-Mar-2017	N/A	ICANN re-sent 3rd compliance inquiry via email to <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> and <a href="mailto:morgan.mulay@telecity.com">morgan.mulay@telecity.com</a> indicating this matter is placed on hold until the Registry Operator has satisfied the formal requirements for requesting and completing the voluntary termination process.
23-May-2017	N/A	Emails from Registry Operator ( <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> ) insufficient to demonstrate compliance and indicating voluntary termination is no longer desired.
23-May-2017	N/A	ICANN sent acknowledgement of Registry Operator's email via email to <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> indicating ICANN will follow up.
24-May-2017	N/A	Email from Registry Operator ( <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> ) acknowledging receipt of ICANN's email.
24-May-2017 - 12-Jul-2017	N/A	ICANN followed up with Registry Operator via the GDD Portal multiple times, requesting information regarding its change of control and contact information. No response received from Registry Operator.
31-May-2017	N/A	ICANN sent Escalated compliance notice via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> and <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> indicating this matter is placed on hold while the Registry Operator completes ICANN's requests for information regarding its change of control and contact information via the GDD Portal.
31-May-2017	N/A	ICANN sent Escalated compliance notice via fax to +442070010102. Fax unsuccessful.
31-May-2017	N/A	Email from Registry Operator ( <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> ) (auto-responder) insufficient to demonstrate compliance.
31-May-2017	N/A	ICANN re-sent Escalated compliance notice via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> , <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> and <a href="mailto:eulegal-customercontracts@eu.equinix.com">eulegal-customercontracts@eu.equinix.com</a> .
13-Jun-2017	N/A	Email from Registry Operator ( <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> ) insufficient to demonstrate compliance.
20-Jun-2017	N/A	ICANN called Primary Contact at +442075318614 and at mobile number [NUMBER REDACTED]. ICANN left voicemails with complaint details.
11-Jul-2017	N/A	ICANN called Primary Contact at mobile number [NUMBER REDACTED] and provided Primary Contact with complaint details.

Date of Notice	Deadline for Response	Details
12-Jul-2017	19-Jul-2017	ICANN sent follow-up to Escalated compliance notice via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> , <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> and <a href="mailto:eulegal-customercontracts@eu.equinix.com">eulegal-customercontracts@eu.equinix.com</a> . No response received from Registry Operator.
19-Jul-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
20-Jul-2017	N/A	To date, the Registry Operator has not responded to ICANN with the requested information and documentation and the issue remains unresolved.

**Chronology (Zone File Access JVW-616-45014):**

Date of Notice	Deadline for Response	Details
6-Jun-2017	13-Jun-2017	ICANN sent 1st compliance inquiry via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> , <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> and <a href="mailto:eulegal-customercontracts@eu.equinix.com">eulegal-customercontracts@eu.equinix.com</a> . No response received from Registry Operator.
15-Jun-2017	22-Jun-2017	ICANN sent 2nd compliance inquiry via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> , <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> and <a href="mailto:eulegal-customercontracts@eu.equinix.com">eulegal-customercontracts@eu.equinix.com</a> . No response received from Registry Operator.
20-Jun-2017	N/A	ICANN called Primary Contact at +442075318614 and at mobile number [NUMBER REDACTED]. ICANN left voicemails with complaint details.
25-Jun-2017	3-Jul-2017	ICANN sent 3rd compliance inquiry via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> , <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> and <a href="mailto:eulegal-customercontracts@eu.equinix.com">eulegal-customercontracts@eu.equinix.com</a> . No response received from Registry Operator.
25-Jun-2017	N/A	ICANN sent 3rd compliance inquiry via fax to +442070010102. Fax unsuccessful.
27-Jun-2017	N/A	ICANN called Primary Contact at mobile number [NUMBER REDACTED] and provided Primary Contact with complaint details. Primary Contact requested another email and for ICANN to call back.

Date of Notice	Deadline for Response	Details
27-Jun-2017	3-Jul-2017	ICANN re-sent 3rd compliance inquiry via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> , <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> and <a href="mailto:eulegal-customercontracts@eu.equinix.com">eulegal-customercontracts@eu.equinix.com</a> . No response received from Registry Operator.
27-Jun-2017	N/A	ICANN called Primary Contact at mobile number [NUMBER REDACTED]. ICANN left voicemail with complaint details.
7-Jul-2017	14-Jul-2017	ICANN sent Escalated compliance notice via email to <a href="mailto:dave.taylor@hoganlovells.com">dave.taylor@hoganlovells.com</a> , <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> and <a href="mailto:eulegal-customercontracts@eu.equinix.com">eulegal-customercontracts@eu.equinix.com</a> .
7-Jul-2017	N/A	ICANN sent Escalated compliance notice via fax to +442070010102. Fax unsuccessful.
11-Jul-2017	N/A	ICANN called Primary Contact at mobile number [NUMBER REDACTED] and provided Primary Contact with complaint details.
19-Jul-2017	N/A	Email from Registry Operator ( <a href="mailto:morgan.mulay@eu.equinix.com">morgan.mulay@eu.equinix.com</a> ) insufficient to demonstrate compliance.
19-Jul-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
20-Jul-2017	N/A	To date, the Registry Operator has not responded to ICANN with the requested information and documentation and the issue remains unresolved.