



28 July 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Fabienne Booma van
Virtual Registrar, Inc. (IANA #958)
Stadionplein 23
Zwolle 8025 CT
Netherlands

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Dear Fabienne Booma van,

Please be advised that as of 28 July 2017, Virtual Registrar, Inc. ("Virtual Registrar") is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 27 July 2015 ("RAA"). This breach results from:

1. Virtual Registrar's failure to take reasonable steps to investigate and correct claimed Whois inaccuracies regarding the domain name <xvideos.com>, as required by Section 3.7.8 of the RAA;
2. Virtual Registrar'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 <xvideos.com>, as required by Sections 3.4.2 and 3.4.3 of the RAA; and
3. Virtual Registrar's failure to validate and verify Whois contact information, as required by Sections 1, 2 and 4 of the Whois Accuracy Program Specification ("WAPS") of the RAA.

Please refer to the attachment for details regarding these breaches.

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

1. Virtual Registrar's failure to provide domain name data in the specified response format, as required by Section 1.4 of the Registration Data Directory Service (Whois) Specification of the RAA ("Whois Specification") and the Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement (RAA) regarding applicable Registration Data Directory Service (Whois) Specifications ("Clarifications");
2. Virtual Registrar's failure to publish an email address to receive abuse reports on the home page of Virtual Registrar's website, as required by Section 3.18.1 of the RAA;

3. Virtual Registrar's failure to publish on its website a description of Virtual Registrar's procedures for the receipt, handling and tracking of abuse reports, as required by Section 3.18.3 of the RAA;
4. Virtual Registrar's failure to provide and maintain accurate and current information as specified in the Registrar Information Specification ("RIS"), as required by Section 3.17 of the RAA;
5. Virtual Registrar's failure to provide current documentation demonstrating Virtual Registrar is legally established and in good standing, as required by Section 3.17 and Section 6 of the RIS of the RAA; and
6. Virtual Registrar's failure to publish the full name and position of all officers of the registrar on Virtual Registrar's website, as required by Section 3.17 of the RAA and Section 17 of the RIS of the RAA.

ICANN requests that Virtual Registrar cure these breaches by 18 August 2017, 21 days from the date of this letter, by taking the following actions:

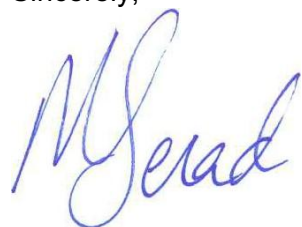
1. Provide records demonstrating that Virtual Registrar took reasonable steps to investigate and, where applicable, correct the Whois inaccuracy concerning the domain name <xvideos.com>. This includes: (a) copies of Virtual Registrar's correspondence with the RNH while investigating the Whois inaccuracy claims (including dates, times, means of inquiries, telephone numbers, e-mail addresses and postal addresses used), (b) the steps Virtual Registrar took to verify and validate the Whois information and (c) confirmation steps taken to resolve this matter will also apply to all existing and future Whois inaccuracy complaints;
2. Display domain name data in the specified response format, as required by Section 1.4 of the Whois Specification and Clarifications;
3. Publish an email address to receive abuse reports on the home page of Virtual Registrar's website;
4. Publish a description of Virtual Registrar's procedures for the receipt, handling and tracking of abuse reports on Virtual Registrar's website;
5. Provide ICANN with a completed RIS form, including accurate and current information, as required by Section 3.17 of the RAA;
6. Provide ICANN with current documentation demonstrating Virtual Registrar is legally established and in good standing;
7. Publish on Virtual Registrar's website the full name and position of all officers of Virtual Registrar; and

8. Provide the corrective and preventative action(s) that Virtual Registrar will take, with implementation date(s), to ensure timely responses to ICANN Contractual Compliance matters.

If Virtual Registrar fails to timely cure the breaches and provide the information requested by 18 August 2017, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Jennifer Scott at jennifer.scott@icann.org.

Sincerely,



Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to take reasonable steps to investigate and correct Whois inaccuracy

Section 3.7.8 of the RAA requires registrars, upon notification of a claimed inaccuracy in the contact information associated with a registered name sponsored by a registrar, to take reasonable steps to investigate the claimed inaccuracy. In the event the registrar learns of inaccurate contact information associated with a registered name it sponsors, the registrar shall take reasonable steps to correct that inaccuracy. Virtual Registrar's failure to provide documentation demonstrating the reasonable steps it took to investigate and correct the alleged Whois inaccuracy is a breach of Section 3.7.8 of the RAA.

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. Virtual Registrar's failure to provide the requested registration records and data related to the domain name <xvideos.com> is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

Failure to validate and verify Whois data

Section 1 of the WAPS of the RAA requires registrars to validate that required fields, including telephone numbers, postal addresses and email addresses, are in a standard format or template, as well as verify the email address of the registrant by receiving an affirmative response from the registrant.

Section 2 of the WAPS of the RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar receives changes to any Whois contact information, whether the contact information was previously verified or validated. The registrar is required to (1) receive an affirmative response from the registrant, (2) manually verify the information or (3) suspend the domain name.

Section 4 of the WAPS of the RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar has any information suggesting that the contact information specified in the Whois is incorrect. The registrar must also (1) verify (or re-verify) the registrant's email address by receiving an affirmative response, (2) manually verify the information or (3) suspend the domain name.

Virtual Registrar's failure to provide documents and information demonstrating validation and verification of the Whois data for the domain name <xvideos.com> is a breach of the WAPS of the RAA.

Failure to display required Whois format

Section 1.4 of the Whois Specification of the RAA requires registrars to display domain name data in a specified format for Whois query responses. The format of responses shall contain all the elements and follow a semi-free text format outlined in Section 1.4 of the Whois Specification. Additional specifications to the format of Whois query responses are contained in the Clarifications and the Additional Whois Information Policy (“AWIP”). Virtual Registrar’s failure to display Whois data in the specified format is a breach of Section 1.4 of the Whois Specification of the RAA and Clarifications.

Failure to publish an email address to receive reports of abuse

Section 3.18.1 of the RAA requires registrars to publish on the home page of their website an email address to receive abuse reports. Virtual Registrar’s failure to publish an email address on the home page of its website to receive abuse reports is a breach of Section 3.18.1 of the RAA.

Failure to publish a description of procedures for receipt, handling and tracking of abuse reports

Section 3.18.3 of the RAA requires registrars to publish on their website a description of their procedures for the receipt, handling and tracking of abuse reports. Virtual Registrar’s failure to publish a description of its procedures for the receipt, handling and tracking of abuse reports on its website is a breach of Section 3.18.3 of the RAA.

Failure to provide and maintain required information

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. Virtual Registrar’s failure to provide to ICANN and maintain accurate and current information as specified in the RIS, including full name, contact information and position of all directors, officers, senior management and other key personnel overseeing the provision of Registrar Services of the registrar is a breach of Section 3.17 of the RAA.

Failure to provide ICANN with current documentation of legal status

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS, including current documentation demonstrating the registrar entity is legally established and in good standing. Virtual Registrar’s failure to provide ICANN with current documentation demonstrating it is legally established and in good standing is a breach of Section 3.17 of the RAA and Section 6 of the RIS.

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. In addition, registrars must publish on each website through which it provides or offers registrar services, the information specified in the RIS as requiring publication. Virtual Registrar’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 Section 17 of the RIS.

Chronology:

Date of Notice	Deadline for Response	Details
16-Jun-2017	7-Jul-2017	ICANN sent 1st compliance notice via email to helpdesk@virtualregistrar.com . No response received from Registrar.
10-Jul-2017	17-Jul-2017	ICANN sent 2nd compliance notice via email to helpdesk@virtualregistrar.com . No response received from Registrar.
14-Jul-2017	N/A	ICANN called Primary Contact at +31 88 00 749 99 and provided Registrar Representative with complaint details.
18-Jul-2017	25-Jul-2017	ICANN sent 3rd compliance notice via email to helpdesk@virtualregistrar.com and administratie@it-ernity.nl . No response received from Registrar.
18-Jul-2017	N/A	ICANN sent 3rd compliance notice via fax to +31 88 00 749 98. Fax successful.
20-Jul-2017	N/A	ICANN called Primary Contact at +31 88 00 749 99 and provided Registrar Representative with complaint details.
27-Jul-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
28-Jul-2017	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.