

18 February 2022

TRANSMITTED VIA ELECTRONIC MAIL AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]
DomainName Highway LLC (IANA #1411)
[REDACTED]

Email: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 18 February 2022, DomainName Highway LLC (“DomainName Highway” or “Registrar”) is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 20 May 2019 (“RAA”). This breach results from:

1. DomainName Highway’s failure to comply with the Uniform Domain Name Dispute Resolution Policy (“UDRP”) and the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), as required by Section 3.8 of the RAA.

Please refer to the attachment for details regarding this breach.

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

2. DomainName Highway’s failure to provide an interactive web page providing free public query-based access to up-to-date data concerning all active registered names sponsored for each generic top-level domain (“gTLD”) in which it is accredited.
3. DomainName Highway’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.
4. DomainName Highway’s failure to display on its website a description of the methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the Expired Registrar Recovery Policy (“ERRP”); and
5. DomainName Highway’s failure to display its deletion and auto-renewal policies on DomainName Highway’s website, as required by Section 3.7.5.5 of the RAA.

Additional Concerns

DomainName Highway is demonstrating a pattern of non-compliance with obligations pertaining to both the implementation of UDRP Decisions and response to UDRP Providers' verification requests. Further, in response to the relevant compliance cases, the Registrar has regularly remained non-responsive or provided incomplete responses despite additional reminders and explanations provided through telephone calls from ICANN Contractual Compliance staff. This repeated behavior impacts UDRP proceedings, and the Complainants seeking the remedies offered by those proceedings.

ICANN requests that DomainName Highway cure these breaches by 11 March 2022, 21 days from the date of this letter, by taking the following actions:

1. Concerning the Forum UDRP Administrative Panel's decision Case Number FA2111001973719 ("Decision"):
 - a. Implement the Decision in the terms prescribed by Paragraph 4(k) of the UDRP, provide evidence that this has been done and that the Complainant has been assisted.
 - b. Provide copies of the correspondence in which DomainName Highway communicated to ICANN, the Provider and the Parties the date for the implementation of the Decision, as required by Paragraph 16(a) of the Rules; and
 - c. Provide a detailed remediation plan, with implementation date(s) and milestones, executed by the Registrar to ensure timely implementation of UDRP Decisions and response to UDRP Providers' requests as well as the delivery of mandatory communications within the timelines required by the UDRP and UDRP Rules.
2. Provide an interactive webpage WHOIS service providing free public query-based access to up-to-date data concerning all active registered names sponsored by DomainName Highway for each gTLD in which it is accredited.
3. Provide ICANN with a completed RIS form, including accurate and current information, the required supporting documentation and the location of any applicable information published on the Registrar's website, as required by Section 3.17 of the RAA.
4. Provide a description of the methods used to deliver pre- and post-expiration notifications on DomainName Highway's website.
5. Publish DomainName Highway's deletion and auto-renewal policies details on its website.

6. Provide ICANN with the corrective and preventative action(s) that DomainName Highway will take, with implementation date(s), to address its pattern of untimely, incomplete and non-response to ICANN Contractual Compliance matters.

If DomainName Highway fails to timely cure the breaches and provide the information requested by 11 March 2022, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Leticia Castillo at [REDACTED].

Sincerely,

[SIGNATURE REDACTED]

Jamie Hedlund
Senior Vice President, Contractual Compliance & U.S. Government Engagement

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to comply with the UDRP and UDRP Rules

Section 3.8 RAA requires registrars to comply with the UDRP. Paragraph 4(k) of the UDRP mandates that registrars implement UDRP decisions within ten (10) business days of having being informed by the applicable Provider, unless the relevant registrar received from the Respondent official documentation that the Respondent commenced a lawsuit against the Complainant in a jurisdiction to which the Complainant has submitted under Paragraph 3(b)(xiii) of the UDRP Rules. DomainName Highway's failure to (1) timely implement the Decision rendered by the Forum in Case Number FA2111001973719; or (2) provide evidence of having received official documentation with respect to the commencement of a lawsuit, is a breach of Section 3.8 of the RAA.

Failure to provide an interactive webpage 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. DomainName Highway's failure to provide an interactive web-based WHOIS service is a breach of Section 3.3.1 of the RAA.

Failure to provide and maintain required contact information

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. DomainName Highway's failure to provide to ICANN and maintain accurate and current information as specified in the RIS, and the required supporting documentation, is a breach of Section 3.17 of the RAA.

Failure to describe the methods used to deliver pre- and post-expiration notifications

Section 4.2 of the ERRP requires registrars to describe on their websites (if used), and include in their registration agreements a description of its notification methods or a link to the applicable page(s) on their websites where this information is available, the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. DomainName Highway's failure to describe these notifications on its website is a breach of Section 4.2 of the ERRP.

Failure to publish deletion and auto-renewal policies on website

Section 3.7.5.5 of the RAA requires registrars that operate a website for domain name registration or renewal to clearly display details of the registrar's deletion and auto-renewal policies on the registrar's website. DomainName Highway's failure to clearly display its deletion and auto-renewal policies on its website is a breach of Section 3.7.5.5 of the RAA.

CHRONOLOGY

In the compliance notices detailed in the chronology below, ICANN notified DomainName Highway of the violations associated with the case, including the relevant ICANN policies and agreements. Each communication requested the evidence, information and actions needed from DomainName Highway to become compliant. The telephone call details below described an additional attempt from ICANN to communicate to the Registrar the details of the case and to make an ICANN Contractual Compliance staff member available to address any questions in order to assist DomainName Highway in becoming compliant. All these attempts were unsuccessful.

Chronology (Case# 01104474):

Date of Notice	Deadline for Response	Details
31-Jan-2022	7-Feb-2022	ICANN sent 1st compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
8-Feb-2022	15-Feb-2022	Due to the Registrar's repeated behavior described in the "Additional Concerns" section on page 2 of this notice, ICANN sent an escalated notice via email to [EMAIL REDACTED] and [EMAIL REDACTED].
8-Feb-2022	N/A	ICANN sent escalated compliance notice via fax to [FAX REDACTED]. Fax unsuccessful.
9-Feb-2022	N/A	Response from the Registrar ([EMAIL REDACTED]) insufficient to demonstrate compliance.
9-Feb-2022	15-Feb-2022	ICANN sent a follow-up to the escalated compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
10-Feb-2022	N/A	ICANN called Registrar Representative at [TELEPHONE REDACTED] and provided Registrar Representative with complaint details.
16-Feb-2022	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
18-Feb-2022	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation, and the issue remains unresolved.