



The Internet Corporation for Assigned Names and Numbers

5 May 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Vincent Rousset  
Mister Name SARL (IANA #1319)  
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Paris CEDEX 12 75603  
France

Email: [icann@mistername.com](mailto:icann@mistername.com)  
Fax: +33 1 7543 8385

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

Dear Mr. Rousset,

Please be advised that as of 5 May 2014, Mister Name SARL ("Mister Name") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 31 August 2011 ("RAA"). This breach results from:

- Mister Name's failure to provide an interactive web page and a port 43 Whois service for all active Registered Names sponsored by Mister Name, as required by Section 3.3.1 of the RAA.

Please refer to the attachment for details regarding these breaches.

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

1. Failure to provide a description on Mister Name's website of renewal fees, post-expiration renewal fees (if different), and redemption/restore fees, as required by Section 4.1 of the Expired Registration Recovery Policy ("ERRP");
2. Failure to provide a description on Mister Name's website of methods used to deliver pre- and post-expiration notifications on registrar's website, as required by Section 4.2 of the ERRP;

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3. Failure to make weekly data escrow deposits, as required by Section 3.6 of the RAA; and
4. Failure to timely pay past due accreditation fees in the amount of \$2,731.90, as required by Section 3.9 of the RAA.

ICANN requests that Mister Name cure the breaches by 27 May 2014, 15 working days from the date of this letter, by taking the following actions:

1. Provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active Registered Names sponsored by Registrar for each Top Level Domain in which it is accredited;
2. Deposit gTLD registration data on a weekly basis to Iron Mountain Intellectual Property Management, Inc. ("Iron Mountain") and ensure the deposits meet the required specifications;
3. Clearly display a link to renewal fees, post-expiration renewal fees (if different), and redemption/restore fees on Mister Name's website;
4. Provide a description of methods used to deliver pre- and post-expiration notifications on Mister Name's website; and
5. Pay past due accreditation fees in the amount of \$2,731.90

If Mister Name fails to timely cure the breaches and provide the information requested by 27 May 2014, ICANN may commence the RAA termination process.



Vincent Rousset  
Mister Name SARL

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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".

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



## ATTACHMENT

### Failure to provide an interactive web page and a port 43 Whois service

Section 3.3.1 of the RAA requires registrars to provide an interactive web page 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.

As detailed in the chronology, ICANN sent Mister Name three compliance notices concerning failure to provide Whois services for domain names sponsored by Mister Name. While Mister Name did take steps to partially address the issue, Mister Name did not respond to ICANN a follow up notice regarding remaining deficiencies in its Whois services in breach of Section 3.3.1 of the RAA.

### Failure to clearly display a link to renewal fees, post-expiration renewal fees (if different), and redemption/restore fees on registrar's website

Section 4.1 of the ERRP requires registrars to make their renewal fees, post-expiration renewal fees (if different), and redemption/restore fees reasonably available to registered name holders and prospective registered name holders at the time of registration of a gTLD name. At a minimum, these fees must be clearly displayed on the registrar's website and a link to these fees must be included in the registrar's registration agreements. Mister Name's website does not provide a link or clearly display these fees in breach of Section 4.1 of the ERRP.

### Failure to describe on their websites (if used) 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) the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. The website of Mister Name does not describe these notifications in breach of Section 4.2 of the ERRP.

### Failure to Escrow gTLD Registration Data

Section 3.6 of the RAA requires registrars to submit electronic copy of the database described in Subsection 3.4.1 of the RAA to ICANN, or at registrar's expense, to a reputable escrow agent mutually approved by the registrar and ICANN. Registrars shall submit the data on a schedule, under the terms, and in a format specified by ICANN.

ICANN’s records show that Mister Name is required to escrow data with Iron Mountain on a weekly basis. However, based on the reports provided by Iron Mountain, since 15 April 2014 Mister Name failed to make data deposits that comply with the requirements of ICANN’s data escrow specifications. Mister Name’s repeated failure to comply with ICANN’s data escrow specifications constitutes a breach of Section 3.6 of the RAA.

Failure to pay accreditation fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Mister Name owes ICANN \$2,731.90 in past due accreditation fees, in breach of Section 3.9 of the RAA.

**Chronology:**

Date of Notice	Deadline for Response	Details
20-Mar-2014	27-Mar-2014	ICANN sent 1st compliance notice via email to <a href="mailto:icann@mistername.com">icann@mistername.com</a> . No response received from Registrar.
31-Mar-2014	7-Apr-2014	ICANN sent 2nd compliance notice via email to <a href="mailto:icann@mistername.com">icann@mistername.com</a> . No response received from Registrar.
8-Apr-2014	N/A	ICANN called Primary Contact at +33 1 7543 8384. Left voice message. No response received from Registrar.
8-Apr-2014	15-April-2014	ICANN sent 3rd compliance notice via email to <a href="mailto:icann@mistername.com">icann@mistername.com</a> .
8-Apr-2014	N/A	The 3rd compliance notice was faxed to +33 1 7543 8385. Fax was unsuccessful.
8-Apr-2014	N/A	Email from Registrar indicating that the problem was resolved.

Date of Notice	Deadline for Response	Details
10-Apr-2014	N/A	ICANN sent email to <a href="mailto:icann@mistername.com">icann@mistername.com</a> advising Registrar that ICANN would continue to monitor the registrar's Port 43 tool.
15-Apr-2014	22-Apr-2014	ICANN sent a follow up notice via email to <a href="mailto:icann@mistername.com">icann@mistername.com</a> advising Registrar that its Port 43 Whois service is providing responses to Whois queries but without valid Whois data. No response received from Registrar.
22-Apr-2014	N/A	ICANN called Primary Contact at +33 1 7543 8384. Left a voice message. No response received from Registrar.
24-Apr-2014	N/A	ICANN conducted check to determine other areas of noncompliance.
5-May-2014	N/A	No response received from Registrar and the issue remains unresolved.