



The Internet Corporation for Assigned Names and Numbers

24 July 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Carrie Arden  
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China

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

Dear Ms. Arden,

Please be advised that as of 24 July 2014, OnlineNIC, Inc. ("OnlineNIC") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 10 April 2014 ("RAA"). These breaches result from:

1. Failure to maintain registration data and records as required by Section 3.4.2 of the RAA;
2. Failure to make registration data and records available upon request by ICANN, as required by Section 3.4.3 of the RAA; and
3. Failure to validate and verify the Whois contact information, as required by Sections 1, 2 and 4 of the Whois Accuracy Program Specification.

Please refer to the attachment for details regarding these breaches.

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

1. 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");
2. Failure to publish on OnlineNIC's website the full name, contact information and position of all officers of the registrar, as required by Section 3.17 of the RAA and Section 17 of the Registrar Information Specification ("RIS") of the RAA;
3. Failure to provide a description on OnlineNIC'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");
4. Failure to provide a description on OnlineNIC's website of methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the ERRP;
5. Failure of OnlineNIC to require all Privacy/Proxy Services Providers ("P/P Provider") to follow the requirements described in the Specification on Privacy and Proxy Registrations ("P/P Specification") and abide by the terms and procedures published, as required by Section 2 of the P/P Specification; and
6. Failure to pay past due accreditation fees, as required by Section 3.9 of the RAA.

ICANN requests that OnlineNIC cure the breaches by 14 August 2014, 21 calendar days from the date of this letter, by taking the following actions:

1. Provide records demonstrating that OnlineNIC verified and validated the updated Whois information for the domain name <commentpiratercomptefacebook.net>, including copies of OnlineNIC's correspondence with the registrant and any responses received while investigating the Whois inaccuracy claims (including dates, times, means of inquiries, telephone numbers, e-mail addresses and postal addresses used);
2. Provide domain name data in the specified response format required by Section 1.4 of Whois Specification of the RAA;
3. Publish on OnlineNIC's website the full name, contact information and position of all officers of OnlineNIC;



4. Clearly display on OnlineNIC's website a link to renewal fees, post-expiration renewal fees (if different) and redemption/restore fees;
5. Provide on OnlineNIC's website a description of methods used to deliver pre- and post-expiration notifications;
6. Demonstrate compliance with the requirements of Section 2 of the P/P Specification; and
7. Pay all past due accreditation fees of \$1,000.00.

Additional Concerns

OnlineNIC routinely delays responding to compliance notices until the final deadline of the final notice. To avoid escalated compliance actions in the future, OnlineNIC is asked to respond in a timelier manner.

If OnlineNIC fails to timely cure the breaches and provide the information requested by 14 August 2014, ICANN may commence the RAA termination process.

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 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 registered name holder and registration data, including validation and verification of Whois data as required by the Whois Accuracy Specification, and to make those records available to ICANN upon reasonable notice.

As detailed in the chronology below, ICANN sent OnlineNIC three Whois inaccuracy compliance notices regarding the domain name <commentpiratercompfacebook.net> and requesting documentation supporting its investigation of alleged Whois inaccuracies. OnlineNIC's failure to provide the requested records is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

### Failure to validate and verify updated Whois data

Section 1 of the Whois Accuracy Specification of the 2013 RAA requires registrars to validate that, required fields, including telephone numbers, postal addresses and email addresses, are in a standard format or template and verify the email address of the registrant by receiving an affirmative response from the registrant.

Section 2 of the Whois Accuracy Specification of the 2013 RAA requires registrars to perform validation and verification, as set forth in Section 1 of the Whois Accuracy Specification, if a registrar receives changes to any Whois contact information, whether or not 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 Whois Accuracy Specification of the 2013 RAA requires registrars to perform validation and verification, as set forth in Section 1 of the Whois Accuracy Specification, 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 sending an email (and receiving an affirmative response), (2) manually verify the information or (3) suspend the domain name.

OnlineNIC's failure to respond or provide documents demonstrating the validation and verification of the Whois data for the domain name <commentpiratercompfacebook.net> is a breach of the Whois Accuracy Specification of the RAA.



#### Failure to provide domain name data in the required response format

Section 1.4 of the Whois Specification of the RAA requires registrars to display domain name data in a specified format in response to Whois queries. The format of responses shall contain all of the elements and follow a semi-free text format outlined in Section 1.4 of the Whois Specification.

OnlineNIC's failure to provide domain name data in the specified format is a breach of Section 1.4 of the Whois Specification of the RAA.

#### Failure to publish officer information on registrar's website

Section 3.17 of the RAA requires registrars to provide to ICANN and maintain accurate and current information as specified in the RIS of the RAA. In addition, a registrar must publish on each website through which the registrar provides or offers registrar services, the information specified in the RIS as requiring publication. OnlineNIC's failure to publish the full name, contact information and position of all its officers on its website is a breach of Section 3.17 of the RAA and the RIS.

#### 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. OnlineNIC's failure to provide a link or clearly display these fees is a 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. OnlineNIC's failure to describe these notifications on its website is a breach of Section 4.2 of the ERRP.

#### Failure to publish P/P Specification information

Section 2 of the P/P Specification of the 2013 RAA requires registrars, for any proxy service or privacy service offered by a registrar, including any of a registrar's privacy/proxy services distributed through resellers, and used in connection with registered names sponsored by a registrar, to follow the requirements described in the P/P Specification and to abide by the P/P Specification's terms and



procedures. OnlineNIC's failure to comply with Section 2 of the P/P Specification is a breach of that specification.

#### 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. OnlineNIC's failure to pay ICANN \$1,000.00 in past due accreditation fees, is a breach of Section 3.9 of the RAA.

#### **Chronology:**

<b>Date of Notice</b>	<b>Deadline for Response</b>	<b>Details</b>
25-Apr-2014	15-May-2014	ICANN sent 1st compliance notice via email to <a href="mailto:icann@onlinenic.com">icann@onlinenic.com</a> .
15-May-2014	N/A	Email from Registrar ( <a href="mailto:carrie@onlinenic.com">carrie@onlinenic.com</a> ) indicating that the Whois data had been updated to reflect OnlineNIC's proxy service, and that all the contact information is valid. No documentation provided.
10-Jun-2014	17-Jun-2014	ICANN sent 2nd compliance notice via email to <a href="mailto:icann@onlinenic.com">icann@onlinenic.com</a> .
18-Jun-2014	N/A	ICANN called Primary Contact at +86 5925 29 1694, who confirmed receipt of the 2nd notice.
18-Jun-2014	N/A	Email from Registrar ( <a href="mailto:carrie@onlinenic.com">carrie@onlinenic.com</a> ) indicating that the Whois data had been updated to reflect OnlineNIC's proxy service, and that all the contact information is valid. No documentation provided.
9-Jul-2014	16-Jul-2014	ICANN sent 3rd compliance notice via email to <a href="mailto:icann@onlinenic.com">icann@onlinenic.com</a> and <a href="mailto:carrie@onlinenic.com">carrie@onlinenic.com</a> .



Date of Notice	Deadline for Response	Details
9-Jul-2014	N/A	ICANN faxed 3rd compliance notice to +86 5925 39 1808. Fax unsuccessful.
15-Jul-2014	N/A	ICANN called Primary Contact at +86 5925 29 1694 and mobile phone [redacted]. No answer. No option to leave a message.
17-Jul-2014	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
24-Jul-2014	N/A	To date, ICANN has not received the requested information.