



27 April 2018

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

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

Nate Delanoy  
The Registry at Info Avenue, LLC d/b/a Spirit Communications (IANA #123)  
1500 Hampton Street  
Columbia South Carolina 29201  
United States

Email: [nate.delanoy@spiritcom.com](mailto:nate.delanoy@spiritcom.com)

Fax: +1 803 726 0009

Dear Nate Delanoy,

Please be advised that as of 27 April 2018, The Registry at Info Avenue, LLC d/b/a Spirit Communications ("Spirit Communications") is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 25 June 2015 ("RAA"). This breach results from:

1. Spirit Communications' failure to take reasonable steps to investigate and correct claimed Whois inaccuracies regarding the domain name <bledsoe.net>, as required by Section 3.7.8 of the RAA;
2. Spirit Communications' 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 <bledsoe.net>, as required by Sections 3.4.2 and 3.4.3 of the RAA; and
3. Spirit Communications' 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, Spirit Communications has been deemed noncompliant in the following areas:

1. Spirit Communications' 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. Spirit Communications' failure to provide current documentation demonstrating Spirit Communications is legally established and in good standing, as required by Section 3.17 and Section 6 of the Registrar Information Specification (“RIS”) of the RAA;
3. Spirit Communications' failure to publish its full correspondence address on Spirit Communications' website, as required by Section 3.17 and Section 7 of the RIS of the RAA;
4. Spirit Communications' failure to publish the full name and position of all officers of the registrar on Spirit Communications' website, as required by Section 3.17 of the RAA and Section 17 of the RIS of the RAA;
5. Spirit Communications' failure to publish an email address to receive abuse reports on the home page of Spirit Communications' website, as required by Section 3.18.1 of the RAA;
6. Spirit Communications' failure to publish on its website a description of Spirit Communications' procedures for the receipt, handling and tracking of abuse reports, as required by Section 3.18.3 of the RAA;
7. Spirit Communications' failure to include a link in its registration agreement to its 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”); and
8. Spirit Communications' failure to provide on Spirit Communications' website and in its registration agreement, a description of the methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the ERRP.

#### Additional Concerns

Based on Spirit Communications' response, it appears its contact information also needs to be updated.

ICANN requests that Spirit Communications cure these breaches by 18 May 2018, 21 days from the date of this letter, by taking the following actions:

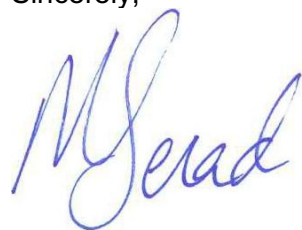
1. Provide records demonstrating that Spirit Communications took reasonable steps to investigate and, where applicable, correct the Whois inaccuracy concerning the domain name <bledsoe.net>. This includes: (a) copies of Spirit Communications' correspondence with the RNH while investigating the Whois inaccuracy claims (including dates, times, means of inquiries, telephone numbers, e-mail addresses and postal addresses used), (b) the steps Spirit Communications 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. Provide ICANN with current documentation demonstrating Spirit Communications is legally established and in good standing;
4. Publish on Spirit Communications' website the correspondence address of Spirit Communications as specified in the RIS, or, update Spirit Communications' RIS form to reflect the correspondence address published on Spirit Communications' website;
5. Publish on Spirit Communications' website the full name and position of all officers of Spirit Communications, as specified in the RIS;
6. Publish an email address to receive abuse reports on the home page of Spirit Communications' website;
7. Publish a description of Spirit Communications' procedures for the receipt, handling and tracking of abuse reports on Spirit Communications' website;
8. Provide a link to the renewal fees, post-expiration renewal fees (if different) and redemption/restore fees in Spirit Communications' registration agreement;
9. Provide a description of the methods used to deliver pre- and post-expiration notifications on Spirit Communications' website, and include a description of its notification methods or a link to the applicable page(s) on its website where this information is available in Spirit Communications' registration agreements; and
10. Provide ICANN with the corrective and preventative action(s) that Spirit Communications will take, with implementation date(s), to ensure:
  - a. timely and complete response to ICANN Contractual Compliance matters; and
  - b. Spirit Communications' contact information is up to date.

If Spirit Communications fails to timely cure the breaches and provide the information requested by 18 May 2018, ICANN may commence the RAA 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 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. Spirit Communications' 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. Spirit Communications' failure to provide the requested registration records and data related to the domain name <bledsoe.net> 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.

Spirit Communications' failure to provide documents and information demonstrating validation and verification of the Whois data for the domain name <bledsoe.net> 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. Spirit Communications' 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 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. Spirit Communications' 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 registrar's correspondence address 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. Spirit Communications' failure to publish its RIS correspondence address on Spirit Communications' website is a breach of Section 3.17 of the RAA and Section 7 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. Spirit Communications' failure to publish the full name and position of all of its officers, as specified in the RIS, on its website is a breach of Section 3.17 of the RAA and Section 17 of the RIS.

#### 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. Spirit Communications' 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. Spirit Communications'

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 clearly display renewal fees, post-expiration renewal fees (if different) and redemption/restore fees in registration agreement

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 RNHs and prospective RNHs 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 agreement. Spirit Communications' failure to provide a link in its registration agreement to these fees is a breach of Section 4.1 of the ERRP.

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. Spirit Communications' failure to describe these notifications on its website and in its registration agreement is a breach of Section 4.2 of the ERRP.

**Chronology:**

Date of Notice	Deadline for Response	Details
19-Mar-2018	9-Apr-2018	ICANN sent 1st compliance notice via email to <a href="mailto:nate.delanoy@spiritcom.com">nate.delanoy@spiritcom.com</a> and <a href="mailto:michael.giles@spiritcom.com">michael.giles@spiritcom.com</a> . No response received from Registrar.
10-Apr-2018	17-Apr-2018	ICANN sent 2nd compliance notice via email to <a href="mailto:nate.delanoy@spiritcom.com">nate.delanoy@spiritcom.com</a> and <a href="mailto:michael.giles@spiritcom.com">michael.giles@spiritcom.com</a> . No response received from Registrar.
16-Apr-2018	N/A	ICANN called Primary Contact at phone number +1 704 206 1304 and at mobile number [NUMBER REDACTED] and left voicemails with complaint details.
18-Apr-2018	25-Apr-2018	ICANN sent 3rd compliance notice via email to <a href="mailto:nate.delanoy@spiritcom.com">nate.delanoy@spiritcom.com</a> and <a href="mailto:michael.giles@spiritcom.com">michael.giles@spiritcom.com</a> . No response received from Registrar.
18-Apr-2018	N/A	ICANN sent 3rd compliance notice via fax to +1 803 726 0009. Fax successful.
24-Apr-2018	N/A	ICANN called Primary Contact at phone number +1 704 206 1304 and at mobile number [NUMBER REDACTED] and left voicemails with complaint details.

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Date of Notice	Deadline for Response	Details
26-Apr-2018	N/A	ICANN conducted compliance check to determine other areas of non-compliance.
27-Apr-2018	N/A	Voicemail received from Registrar Representative indicating a response will be sent via email.
27-Apr-2018	N/A	Email received from Registrar ( <a href="mailto:sue.jernigan@spiritcom.com">sue.jernigan@spiritcom.com</a> ) insufficient to demonstrate compliance.
27-Apr-2018	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.