

10 January 2022

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]
TOGLODO S.A. (IANA #1508)
[REDACTED]

Email: [REDACTED]
Fax: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 10 January 2022, TOGLODO S.A. (“TOGLODO” or “Registrar”) is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 20 September 2018 (“RAA”).

This breach results from:

1. TOGLODO’s failure to timely pay past due accreditation fees, as required by Section 3.9 of the RAA.

Please refer to the attachment for details regarding this breach.

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

2. TOGLODO’s failure to escrow generic top-level domain (gTLD) registration data, as required by Section 3.6 of the RAA;
3. TOGLODO’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 and Registrar Requirements for WHOIS (port 43) and Web-Based Directory Services (“Clarifications”);
4. TOGLODO’s failure to publish an email address to receive abuse reports on the home page of TOGLODO’s website, as required by Section 3.18.1 of the RAA;
5. TOGLODO’s failure to publish on its website a description of TOGLODO’s procedures for the receipt, handling and tracking of abuse reports, as required by Section 3.18.3 of the RAA;

6. TOGLODO's failure to publish the full name and position of all officers of the Registrar on TOGLODO's website, as required by Section 3.17 of the RAA and Section 17 of the Registrar Information Specification ("RIS") of the RAA;
7. TOGLODO's 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. TOGLODO's failure to include 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

During the complaint process, ICANN Contractual Compliance staff has been unable to contact TOGLODO via telephone during the Registrar's business hours. Currently, it is unclear if TOGLODO's telephone numbers on file with ICANN remain in service.

ICANN requests that TOGLODO cure these breaches by 31 January 2022, 21 days from the date of this letter, by taking the following actions:

1. Pay all past and currently due accreditation fees.
2. Deposit gTLD registration data on a weekly basis to an approved escrow agent and ensure that the deposits meet the required specifications.
3. Display domain name data in the specified response format, as required by Section 1.4 of the Whois Specification and the Clarifications.
4. Publish an email address to receive abuse reports on the home page of TOGLODO's website.
5. Publish a description of TOGLODO's procedures for the receipt, handling and tracking of abuse reports on TOGLODO's website.
6. Publish on TOGLODO's website the full name and position of all its officers.
7. Provide a link to the renewal fees, post-expiration renewal fees (if different) and redemption/restore fees in TOGLODO's registration agreement.
8. Provide a description of the methods used to deliver pre- and post-expiration notifications in TOGLODO's registration agreement.

9. Provide ICANN with the corrective and preventative action(s) that TOGLODO will take, with implementation date(s), to address its pattern of non-response to ICANN Contractual Compliance matters and to ensure it has provided ICANN with valid telephone numbers for its contacts.

If TOGLODO fails to timely cure the breaches and provide the information requested by 31 January 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 and Consumer Safeguards
Managing Director, Washington, DC Office

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

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. TOGLODO owes ICANN past due accreditation fees, in breach of Section 3.9 of the RAA.

Failure to escrow gTLD registration data

Section 3.6 of the RAA requires registrars to submit an electronic copy of the data described in Sections 3.4.1.2 through 3.4.1.5 of the RAA to ICANN or, at the 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. TOGLODO's failure to make weekly deposits is a breach of Section 3.6 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. TOGLODO'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 the 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. TOGLODO'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. TOGLODO'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 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. TOGLODO'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.

Failure to include 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 Registered Name Holders (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. TOGLODO's failure to provide a link to these fees in its registration agreement website 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. TOGLODO's failure to describe pre- and post-expiration notifications in its registration agreement is a breach of Section 4.2 of the ERRP.

CHRONOLOGY

In the 1st, 2nd and 3rd compliance notices detailed in the chronology below, ICANN notified TOGLODO of the violations associated with the case, including the relevant ICANN agreement. All telephone call details below described further attempts 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 TOGLODO in becoming compliant. All these attempts were unsuccessful.

Chronology (Case# 01049492):

Date of Notice	Deadline for Response	Details
8-Mar-2021 23-Mar-2021 6-Apr-2021	N/A	ICANN sent detailed customer statements to TOGLODO S.A. regarding past due fees.
13-Apr-2021	N/A	TOGLODO S.A.'s past due fees were referred to ICANN Contractual Compliance.
10-Jun-2021	17-Jun-2021	ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
30-Jun-2021	7-Jul-2021	ICANN sent 2nd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
6-Jul-2021	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED] and left voicemail with complaint details.
30-Aug-2021	6-Sep-2021	ICANN sent 3rd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.

Date of Notice	Deadline for Response	Details
13-Sep-2021	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail.
4-Jan-2022	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
10-Jan-2022	N/A	To date, the Registrar has not responded to ICANN, and the issue remains unresolved.