



The Internet Corporation for Assigned Names and Numbers

13 March 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Giselle Villalvir del Cid
Tecnologia, Desarrollo Y Mercado S. de R.L. de C.V. (IANA #1582)
10 Avenida, 3 y 4 Calle Noroeste Barrio Guamilito, #11
San Pedro Sula
Honduras

Email: soporte@2imagen.net
Fax: +1 202 625 7001

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Giselle Villalvir del Cid,

Please be advised that as of 13 March 2017, Tecnologia, Desarrollo Y Mercado S. de R.L. de C.V. (“TDM”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 30 November 2016 (“RAA”). This breach results from:

1. TDM’s failure to provide and maintain accurate and current contact information as specified in the Registrar Information Specification (“RIS”), as required by Section 3.17 of the RAA.

Please refer to the attachment for details regarding this breach.

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

1. TDM’s failure to escrow gTLD registration data, as required by Section 3.6 of the RAA;
2. TDM’s failure 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

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sponsored by TDM for each top-level domain (“TLD”) in which it is accredited, as required by Section 3.3.1 of the RAA;

3. TDM’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”), the Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement (RAA) regarding applicable Registration Data Directory Service (Whois) Specifications (“Clarifications”) and the Additional Whois Information Policy (“AWIP”);
4. TDM’s failure to clearly display on its website, and include a link in its registration agreement to, its renewal fees and post-expiration renewal fees (if different), as required by Section 4.1 of the Expired Registration Recovery Policy (“ERRP”);
5. TDM’s failure to provide on its 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;
6. TDM’s failure to publish an email address to receive abuse reports on the home page of TDM’s website, as required by Section 3.18.1 of the RAA;
7. TDM’s failure to publish on its website a description of TDM’s procedures for the receipt, handling and tracking of abuse reports, as required by Section 3.18.3 of the RAA; and
8. TDM’s failure to timely pay past due accreditation fees, as required by Section 3.9 of the RAA.

Additional Concerns

During the processing of this matter, ICANN experienced intermittent availability of TDM’s port 43 and web-based Whois services. As of the time of this notice, these services are not functioning. Even when the services are available, ICANN is encountering limiting of the services to a single query.

ICANN requests that TDM cure these breaches by 3 April 2017, 21 days from the date of this letter, by taking the following actions:

1. Provide ICANN with a completed RIS form, including accurate and current contact information, the required supporting documentation and the location of any applicable information published on TDM’s website, as required by Section 3.17 of the RAA;



2. Deposit gTLD registration data on a weekly basis to an approved escrow agent and ensure that the deposits meet the required specifications;
3. 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 TDM for each TLD in which it is accredited and ensure ICANN's IP ranges are whitelisted for port 43 and web-based Whois services;
4. Display domain name data in the specified response format, as required by Section 1.4 of the Whois Specification, Clarifications and AWIP;
5. Clearly display a link to renewal fees and post-expiration renewal fees (if different) on TDM's website and provide a link to the renewal fees and post-expiration renewal fees (if different) in TDM's registration agreement;
6. Provide a description of the methods used to deliver pre- and post-expiration notifications on TDM's 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 TDM's registration agreements;
7. Publish an email address to receive abuse reports on the home page of TDM's website;
8. Publish a description of TDM's procedures for the receipt, handling and tracking of abuse reports on TDM's website;
9. Pay all past and currently due accreditation fees; and
10. Provide ICANN with corrective and preventative action(s), including implementation date(s), to ensure that TDM will timely respond to ICANN compliance matters.

If TDM fails to timely cure the breaches and provide the information requested by 3 April 2017, ICANN may commence the RAA termination process.



If you have questions or require assistance, please contact Jennifer Scott at jennifer.scott@icann.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "MSerad". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

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. TDM's failure to provide to ICANN and maintain accurate and current information as specified in the RIS, is a breach of Section 3.17 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. TDM's failure to deposit gTLD registration data with an approved escrow agent under the required schedule and terms is a breach of Section 3.6 of the RAA.

Failure to provide an interactive webpage and port 43 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. TDM's failure to provide an interactive webpage and port 43 Whois service is a breach of Section 3.3.1 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 and the AWIP. Section 4.1 of the RAA requires registry operators to comply with and implement all Consensus Policies, including the AWIP. TDM'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 AWIP.

Failure to clearly display a link to renewal fees, post-expiration renewal fees (if different) and redemption/restore fees on registrar's website and 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. TDM's failure to provide a link in its registration agreement and clearly display its renewal fees and post-expiration renewal fees (if different) on its 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. TDM's failure to describe these notifications on its website and in its registration agreement is a breach of Section 4.2 of the ERRP.

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. TDM'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. TDM'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 pay accreditation fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. TDM owes ICANN past due accreditation fees, in breach of Section 3.9 of the RAA. TDM additionally owes currently due accreditation fees, due 17 March 2017.

Chronology:

Date of Notice	Deadline for Response	Details
28-Nov-2016 22-Dec-2016 12-Jan-2017 26-Jan-2017	N/A	ICANN sent detailed requests to Tecnologia, Desarrollo Y Mercado S. de R.L. de C.V. regarding its missing Registrar Information Specification form.
27-Jan-2017	3-Feb-2017	ICANN sent 1st compliance notice via email to soporte@2imagen.net . No response received from Registrar.
5-Feb-2017	13-Feb-2017	ICANN sent 2nd compliance notice via email to soporte@2imagen.net . No response received from Registrar.
10-Feb-2017	N/A	ICANN called Primary Contact at +503 211 30349. ICANN left voicemail with complaint details.
23-Feb-2017	2-Mar-2017	ICANN sent 3rd compliance notice via email to soporte@2imagen.net .
23-Feb-2017	N/A	ICANN sent 3rd compliance notice via fax to + 1 202 625 7001. Fax successful.
23-Feb-2017	N/A	ICANN called Primary Contact at +503 211 30349 and Registrar Representative at +52 878 9800503. ICANN left voicemails with complaint details.
9-Mar-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
13-Mar-2017	N/A	Email from Registrar (soporte@2imagen.net) insufficient to demonstrate compliance.
13-Mar-2017	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.