



20 November 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Melbourne IT Ltd (IANA #13)
Level 3, 469 La Trobe Street
Melbourne Victoria 3000
Australia

Email: icann-legal@melbourneit.com.au

Fax: +61 3 8624 2435

Dear Melbourne IT Ltd,

Please be advised that as of 20 November 2017, Melbourne IT Ltd ("Melbourne IT") is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 1 October 2013 ("RAA"). This breach results from:

1. Melbourne IT's failure to escrow gTLD registration data, as required by Section 3.6 of the RAA.

Please refer to the attachment for details regarding this breach.

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

1. Melbourne IT's failure to notify ICANN of a change to its contact information within thirty (30) days, as required by Section 7.6 of the RAA;
2. Melbourne IT's failure to provide and maintain accurate and current information as specified in the Registrar Information Specification ("RIS") and to notify ICANN within five days of any changes to such information, as required by Section 3.17 of the RAA;
3. Melbourne IT's failure to provide current documentation demonstrating Melbourne IT is in good standing, as required by Section 3.17 and Section 6 of the RIS of the RAA;
4. Melbourne IT's failure to publish the full name and position of all officers of the registrar on Melbourne IT's website, as required by Section 3.17 of the RAA and Section 17 of the RIS of the RAA;
5. Melbourne IT'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

Agreement, and the 2013 Registrar Accreditation Agreement (RAA) regarding applicable Registration Data Directory Service (Whois) Specifications (“Clarifications”); and

6. Melbourne IT’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”).

Additional Concerns

ICANN understands that Melbourne IT’s listed Primary Contact is no longer an employee with the registrar and has requested multiple times that the out of date contact information with ICANN be updated. Therefore, this notice has been addressed to the registrar generally.

ICANN requests that Melbourne IT cure these breaches by 11 December 2017, 21 days from the date of this letter, by taking the following actions:

1. Deposit gTLD registration data on a weekly basis to an approved escrow agent and ensure that the deposits meet the required specifications;
2. Provide ICANN with written notification of updated contact information in accordance with Section 7.6 of the RAA;
3. 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 Melbourne IT’s website, as required by Section 3.17 of the RAA;
4. Display domain name data in the specified response format, as required by Section 1.4 of the Whois Specification and Clarifications;
5. Provide a link to the renewal fees, post-expiration renewal fees (if different) and redemption/restore fees in Melbourne IT’s registration agreement; and
6. Provide ICANN with corrective and preventative action(s), including implementation date(s), to ensure that:
 - a. Melbourne IT will timely respond to ICANN compliance matters; and
 - b. Melbourne IT’s contacts with ICANN are valid and up to date, and timely updated.

If Melbourne IT fails to timely cure the breaches and provide the information requested by 11 December 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,



Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

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. Melbourne IT'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 notify ICANN of changes to contact information

Section 7.6 of the RAA requires registrars to provide written notification to ICANN within thirty (30) days of any change to its contact information. Melbourne IT's failure to provide ICANN with written notice of changes to its contact information is a breach of Section 7.6 of the RAA.

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. Melbourne IT's failure to maintain accurate and current information as specified in the RIS, including a primary contact where Melbourne IT can be reached for contractual purposes, is a breach of Section 3.17 of the RAA.

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. Melbourne IT's failure to provide ICANN with current documentation demonstrating it is in good standing is a breach of Section 3.17 of the RAA and Section 6 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. Melbourne IT's failure to publish the full name and position of all of its RIS officers on its website is a breach of Section 3.17 of the RAA and Section 17 of the RIS.

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. Melbourne IT'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 Clarifications.

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 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. Melbourne IT's failure to provide a link in its registration agreement is a breach of Section 4.1 of the ERRP.

Chronology:

Date of Notice	Deadline for Response	Details
3-Oct-2017	10-Oct-2017	ICANN sent 1st compliance notice via email to icann-legal@melbourneit.com.au . No response received from Registrar.
11-Oct-2017	18-Oct-2017	ICANN sent 2nd compliance notice via email to icann-legal@melbourneit.com.au . No response received from Registrar.
12-Oct-2017	N/A	ICANN called Primary Contact at +61 3 8624 2400. Call center representative suggested to call +61 3 8624 2300. ICANN called +61 3 8624 2300. Number disconnected. ICANN called Primary Contact at mobile number [NUMBER REDACTED]. Number disconnected. ICANN called Registrar Representative at +61 2 8223 3004 and provided complaint details.
20-Oct-2017	27-Oct-2017	ICANN sent 3rd compliance notice via email to icann-legal@melbourneit.com.au .
20-Oct-2017	N/A	ICANN sent 3rd compliance notice via fax to +61 3 8624 2435. Fax unsuccessful.
20-Oct-2017	N/A	Emails received from Registrar (robert.honey@melbourneit.com.au) insufficient to demonstrate compliance.
20-Oct-2017	27-Oct-2017	ICANN sent follow-up compliance notice via email to icann-legal@melbourneit.com.au and robert.honey@melbourneit.com.au .
25-Oct-2017	N/A	ICANN called Registrar Representative at +61 2 8223 3004. No answer and no ability to leave a voicemail. ICANN called Registrar Representative at mobile number [NUMBER REDACTED] and left voicemail with complaint details.

Date of Notice	Deadline for Response	Details
25-Oct-2017	N/A	Email received from Registrar (robert.honey@melbourneit.com.au) insufficient to demonstrate compliance.
26-Oct-2017	17-Nov-2017	ICANN sent follow-up compliance notice via email to icann-legal@melbourneit.com.au and robert.honey@melbourneit.com.au . No response received from Registrar.
11-Nov-2017	17-Nov-2017	ICANN sent follow-up compliance notice via email to icann-legal@melbourneit.com.au and robert.honey@melbourneit.com.au . No response received from Registrar.
15-Nov-2017	N/A	ICANN called Registrar Representative at +61 2 8223 3004 and provide complaint details.
17-Nov-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
20-Nov-2017	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.